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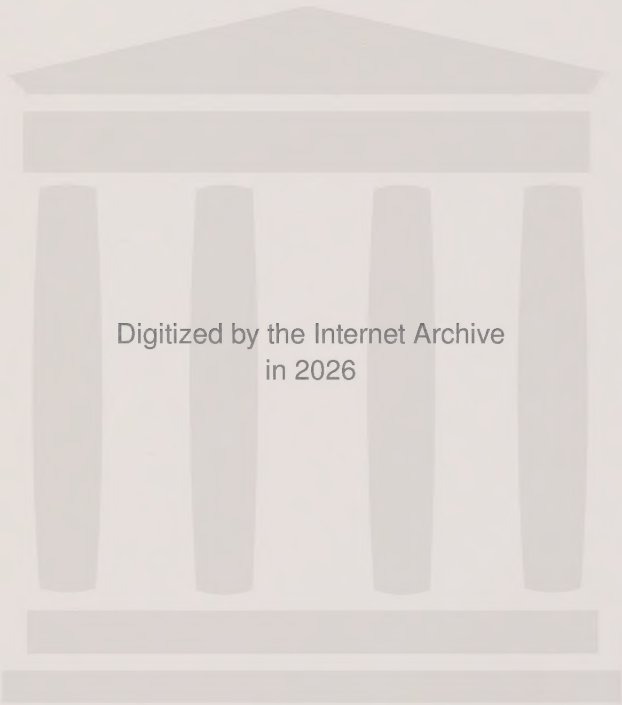
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THE

Common School Laws

OF THE

STATE OF KENTUCKY

REVISED TO DATE

EDITED AND PUBLISHED BY

ELLSWORTH REGENSTEIN

SUPERINTENDENT OF PUBLIC INSTRUCTION

1910

LOUISVILLE
CONTINENTAL PRINTING COMPANY
1910

FOREWORD

Few changes were made in the School Laws by the General Assembly of 1910. However, in compliance with Section 4393 and Section 4395 of the Statutes, we submit this revision. Decisions of the Court of Appeals, opinions of the Attorney General, and Rulings of the Department, bearing on the interpretation of the School Laws, will be found in Chapter 23.

ELLSWORTH REGENSTEIN,
Superintendent of Public Instruction.

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CHAPTER I.

EDUCATIONAL PROVISIONS OF THE KENTUCKY CONSTITUTION.

§ 183.—**Common Schools to be provided for**—The General Assembly shall, by appropriate legislation, provide for an efficient system of common schools throughout the State. (See sec. 4363, Ky. Stat.)

§ 184.—**Fund set apart for common Schools—taxation for A. & M. College**—The bond of the Commonwealth, issued in favor of the Board of Education, for the sum of one million three hundred and twenty-seven thousand dollars, shall constitute one bond of the Commonwealth in favor of the Board of Education, and this bond and the seventy-three thousand five hundred dollars of the stock in the Bank of Kentucky (now seventy-nine thousand eight hundred), held by the Board of Education, and its proceeds, shall be held inviolate for the purpose of sustaining the system of the common schools. The interests and dividends of said fund, together with any sum which may be produced by taxation or otherwise for the purposes of common school education, shall be appropriated to the common schools, and to no other purpose. No sum shall be raised or collected for education other than in common schools until the question of taxation is submitted to the legal voters, and the majority of the votes cast at said election shall be in favor of such taxation: Provided, The tax now imposed for educational purposes, and for the endowment and maintenance of the Agricultural and Mechanical College, shall remain until changed by law. (See sec. 4370, Ky. Stat.)

§ 185.—**Common School Funds—Investment—Interest on**—The General Assembly shall make provision, by law, for the payment of the interest of said school fund, and may provide for the sale of the stock in the Bank of Kentucky; and in case of a sale of all or any part of said stock, the proceeds of sale shall be invested by the Sink-

ing Fund Commissioners in other good interest-bearing stocks or bonds, which shall be subject to sale and re-investment, from time to time, in like manner with the same restrictions as provided with reference to the sale of the said stock in the Bank of Kentucky. (See sec. 4370, Ky. Stat.)

§ 186.—**Distribution of Fund—Surplus due Counties**—Each county in the Commonwealth shall be entitled to its proportion of the school fund on its census of pupil children for each school year; if the pro rata share of any school district be not called for after the second school year, it shall be covered into the treasury and be placed to the credit of the school fund for general apportionment the following school year. The surplus now due the several counties shall remain a perpetual obligation against the Commonwealth for the benefit of said respective counties for which the Commonwealth shall execute its bond, bearing interest at the rate of six per centum per annum, payable annually, to the counties respectively entitled to the same, and in the proportion to which they are entitled, to be used exclusively in aid of common schools. (See sec. 4375, Ky. Stat.)

§ 187.—**Each race to share Fund equally—Separate Schools**—In distributing the school fund no distinction shall be made on account of race or color and separate schools for white and colored children shall be maintained.

§ 188.—**School Fund—Money received from United States, part of**—So much of any moneys as may be received by the Commonwealth from the United States under the recent act of Congress refunding the direct tax shall become a part of the school fund and be held as provided in section 184; but the General Assembly may authorize the use by the Commonwealth of the moneys so received or any part thereof, in which event a bond shall be executed to the Board of Education for the amount so used, which bond shall be held on the same terms and conditions and subject to the provisions of section 184, concerning the bond therein referred to. (See sec. 4370, Ky. Stat.)

§ 189.—**Appropriation for Sectarian purposes Forbidden**—No portion of any fund or tax now existing, or that may hereafter be raised or levied for educational purposes, shall be appropriated to, or used by, or in aid of, any church, sectarian or denominational school. (See further, Con., sec. 5.)

§ 155.—**School Elections—Exceptions in Favor of**—The provisions of sections 145 to 154, inclusive, (which require a secret ballot in all elections, etc.), shall not apply to the election of school trustees and other common school district elections. Said elections shall be regulated by the General Assembly, except as otherwise provided in the Constitution. (See secs. 4434, 4458, Ky. Stat.)

§ 157.—**Municipal Tax Rate—Indebtedness—Submission to Voters**—The tax rate of cities, towns, counties, taxing districts and other municipalities, for other than school purposes, shall not, at any time, exceed the following rates upon the value of the taxable property therein, viz.: For all towns or cities having a population of fifteen thousand or more, one dollar and fifty cents on the hundred dollars; for all towns or cities having less than fifteen thousand and not less than ten thousand, one dollar on the hundred dollars; for all towns or cities having less than ten thousand, seventy-five cents on the hundred dollars, and for counties and taxing districts fifty cents on the hundred dollars; unless it should be necessary to enable such city, town, county or taxing district to pay the interest on, and provide a sinking fund for the extinction of, indebtedness contracted before the adoption of this Constitution. No county, city, town, taxing district, or other municipality shall be authorized or permitted to become indebted, in any manner or for any purpose, to an amount exceeding, in any year, the income and revenue provided for such year, without the assent of two-thirds of the voters thereof, voting at an election to be held for that purpose; and any indebtedness contracted in violation of this section shall be void. Nor shall such contract be enforceable by the person with whom made; nor shall such municipality ever be authorized to assume the same.

BILL OF RIGHTS.

§ 5.—**Freedom of conscience—Church and State—Education**—No preference shall ever be given by law to any religious sect, society or denomination; nor to any particular creed, mode of worship or system of ecclesiastical polity; nor shall any person be compelled to attend any place of worship, to contribute to the erection or maintenance of any such place, or to the salary or support of any minister of religion; nor shall any man be compelled to send his child to any school to which he may be conscientiously opposed;

and the civil rights, privileges or capacities of no person shall be taken away, or in anywise diminished or enlarged on account of his belief or disbelief of any religious tenet, dogma or teaching. No human authority shall, in any case, whatever, control or interfere with the rights of conscience. (See further, sec. 189 Con.)

LOCAL AND SPECIAL LEGISLATION.

§ 59.—**Limitations upon**—The General Assembly shall not pass local or special acts concerning any of the following subjects, or for any of the following purposes, namely:

Sub. Sec. 25.—**Common Schools**—To provide for the management of common schools. (See Chap. 113, Ky. Stat.)

CHILDREN.

§ 243.—**Children—Age at which they may be employed to be fixed**—The General Assembly shall, by law, fix the minimum ages at which children may be employed in places dangerous to life or health, or injurious to morals; and shall provide adequate penalties for violation of such law. (See sec. 326, Ky. Stat.) (See also Chapters 67 and 68, Acts, 1908.)

SCHOOL LAW.

CHAPTER II.

GENERAL PROVISIONS.

§ 1.—**A Uniform System**—There shall be maintained throughout the State of Kentucky a uniform system of common schools in accordance with the Constitution of the State and this chapter. (Ky. Stat. Sec. 4363.)

§ 2.—**Common School Defined—Any Child may Attend**—No school shall be deemed a "common school," within the meaning of this chapter, or be entitled to any contribution out of the school fund, unless the same has been, pursuant hereto, actually kept, or is under contract to be kept, by a qualified teacher for six or more months in all subdistricts during the same school year, and at which

every child residing in the district between the ages of six and twenty years, has had the privilege of attending, whether contributing towards defraying the expenses or not: Provided, That nothing herein shall prevent any person from attending the common school who will obtain the consent of the trustees and the teachers and pay the required tuition fees. In order that each child of the Commonwealth may enjoy the benefits of a six months' school, the Superintendent of Public Instruction shall for each school year apportion the fund for each county having one or more subdistricts of less than fifty pupil-children as follows: He shall apportion to each district, without regard to school population, the per capita of fifty pupil-children, both from the fund derived from the State and the interest on the county bond, if any, and pro rate the remainder of the fund among the districts having more than fifty such children. Provided, That any fractional balance shall be omitted in computing the said per capita, and that the aggregate of fractional balances shall be credited to the respective counties, and be taken into account the following year: (Ky. Stat. Sec. 4364, as changed by act 1908.)

§ 3.—**School Year**—The school year shall begin on the first day of July and end on the thirtieth of June. (Ky. Stat. Sec. 4365.)

§ 4.—**School Month—School Day—Assistant Teachers**—Twenty school days, or days in which teachers are actually employed in the school room, shall constitute a school month in the common schools of the State; but no teacher shall teach on Saturdays. Teachers shall have the benefit of only such legal holidays as they actually observe. Six hours of actual work in the school room shall constitute a school day; and under no circumstances shall the daily session, including recesses and intermissions, exceed nine hours in length. When the attendance exceeds fifty, the teacher may employ, during such attendance, an assistant, whose scholarship and competency shall be acceptable to the division board of his educational division. When the school shall require an assistant to serve regularly at a salary such assistant shall hold a certificate of qualification and be employed by the division board of his educational division. (Ky. Stat. Sec. 4366, as changed by Act 1908.)

§ 5.—**Regulations for Schools—Penalties**—All pupils who may be admitted to common schools shall comply with the regulations established in pursuance of law for the government of such schools.

Willful disobedience or defiance of the authority of the teachers, habitual profanity or vulgarity, or other gross violation of propriety or law, shall constitute good cause for suspension or expulsion from school. (Ky. Stat. Sec. 4367.)

§ 6.—**Forbidden Publications and Doctrines**—No books or other publications of a sectarian, infidel, or immoral character, shall be used or distributed in any common school; nor shall any sectarian, infidel or immoral doctrine be taught therein. (Ky. Stat. Sec. 4368.)

§ 7.—**Conditions for Graduation**—Whenever a pupil of any common school shall have faithfully completed the prescribed course of study, shall have passed a proper examination before the County Board of Examiners on a series of questions prescribed by the State Board of Examiners, and paid to the said county board an examination fee of one dollar, he shall be entitled to a certificate of such completion and examination, signed by said county board, and approved by the Superintendent of Public Instruction who shall affix thereto his official seal. The Superintendent of Public Instruction shall prepare a proper form for said certificate. One such examination shall be held in each county on the last Friday and Saturday in January, and another on the second Friday and Saturday in May of each year. (Ky. Stat. Sec. 4369.)

CHAPTER III.

SCHOOL FUND.

§ 8.—**School Fund**—The school fund shall consist of the fund dedicated by the Constitution and laws of this Commonwealth for the purpose of sustaining a system of common schools therein: (1) The interest on the bond of the Commonwealth for one million three hundred and twenty-seven thousand dollars ($1,327,000.00) in aid of common schools, at the rate of 6 per cent. per annum, payable semi-annually on the first day of January and July of each year. (2) The dividends on seven hundred and thirty-five (now seven hundred and ninety-eight) shares of the capital stock of the Bank of Kentucky representing a par value of seventy-three thousand five hundred dollars (now seventy-nine thousand eight hundred) owned by the State. The surplus, three hundred and eighty-one thousand nine hundred and eighty-six dollars and eight cents ($381,-

986.08), now due the several counties, and remaining a perpetual obligation against the Commonwealth for the benefit of said respective counties for which the Commonwealth shall execute its bond, bearing interest at the rate of 6 per cent. per annum, payable annually on the first day of July to the counties respectively entitled to the same, and in the proportion to which they are entitled, to be used exclusively in aid of common schools. Said bond shall be executed by the Governor and attested by the Secretary of State for and on behalf of the Commonwealth of Kentucky, and when said bond is executed the old bond for three hundred and seventy-eight thousand nine hundred and forty-six dollars and seventy-one cents, being part of said bond, shall be cancelled and destroyed. (4.) The interest at 6 per cent. per annum, payable semi-annually, on the first day of January and July, on six hundred and six thousand, six hundred and forty-one dollars and three cents ($606,641.03), received from the United States under an act approved March 2, 1891, for which the Commonwealth has executed bond pursuant to an act approved March 12, 1892. (5.) The annual tax of twenty-six and one-half cents on each one hundred dollars of value of all real and personal estate and corporate franchises directed to be assessed for taxation. (6.) Such portions of fines, forfeitures and licenses which may be realized by the State as the amount of taxes for common school purposes bears to the whole State tax other than for the benefit of the Agricultural and Mechanical College. (Ky. Stat. Sec. 4370.)

§ 9.—**Claims for Damage to Sheep—Surplus to credit of County School Fund**—At each meeting of the fiscal court the claims for loss or damage to sheep, which have been filed not less than thirty days prior to such meeting, shall be taken up and considered, and rejected, or, if correct and just, allow the same, or such parts thereof as may be deemed right: Provided, That the fiscal court may require additional evidence on any such claims, either by oral testimony or affidavits. Such claims as are allowed shall be filed with the Auditor, who shall, after the first of January of each year, take up all such claims by counties, and draw his warrants upon the Treasurer in favor of claimant for the amount allowed by the fiscal court: Provided, If the amount of the dog tax fund to the credit of any county be not sufficient to pay all claims for such county, the Auditor shall pro rate the claims from such county. Any surplus

remaining to the credit of a county after all such claims are allowed shall be transferred to the credit of the school fund of such county. (Ky. Stat. Sec. 68a sub-section 4.)

§ 10.—**Entire Annual Resources—How Appropriated**—The foregoing shall constitute the annual resources of the school fund of Kentucky, and shall be paid into the treasury, and shall not be drawn out or appropriated, except to pay the expenses of the State Department of Education of whatever character or kind, and in aid of common schools, as provided in this chapter. (Ky. Stat. Sec. 4371.)

§ 11.—**Use of Fund and its Revenue**—Except as otherwise expressly provided in this chapter, no part of the common school fund, or of the revenue thereof, shall be used for any other purpose than the payment of teachers of common schools, legally qualified and employed in pursuance thereof. (Ky. Stat. Sec. 4372.)

§ 12.—**Duty of Auditor**—The auditor shall keep the accounts in relation to this fund. He shall, once in each month, make a transfer to the credit of said fund of all receipts into the treasury, with the source of each item, for the benefit of the common schools up to the date of such transfer. He shall allow no expenditures on that account beyond the annual revenue of the fund, and shall see that no county draws more than its proper proportion. (Ky. Stat. Sec. 4373.)

§ 13.—**Distribution of net Revenue**—The net revenue of the fund accruing during each school-year shall constitute the sum to be distributed. But no fees to county judges or clerks, discount on checks, or other incidental expenses, shall be paid out of the distributable share of the revenue apportioned to any county; but such payment, when allowed by the fiscal court, shall be made out of the county levy. (Ky. Stat. Sec. 4374.)

§ 14.—**Estimate—Pro Rata Apportionment—Second Year Fund—Extended School Term and Supplement Salary of Teacher—Surplus**—The Superintendent of Public Instruction shall, on or before the fifteenth day of July in each year, ascertain and estimate for the school year the pro rata share to which each pupil-child will be entitled, according to the whole number of such children residing in each county and each school district respectively, as shown by the returns of the County Superintendent. If at the time of making such estimate and apportionment, the census returns of the superin-

tendent for any county have not been made to him, he shall use the census returns made for the previous year. It shall be the duty of the Auditor to furnish the Superintendent of Public Instruction such data as may be needed in making such estimate and apportionment. It shall be the duty of the Superintendent of Public Instruction, as soon as practicable, to file such a copy of said estimate and apportionment with the Auditor, and to inform each county superintendent of the amount to which each school subdistrict of his county shall be entitled. Whatever difference may exist between the estimated and the actual revenue of the school fund for any school year shall be taken into the account of the estimate and apportionment for the succeeding school year. If the pro rata share of any school be not called for after the second school year, it shall be covered into the treasury and be placed to the credit of the school fund for general apportionment the following school year. When any school subdistrict in any school year shall have failed to use all or any part of the money due it for such school year such subdistrict shall be entitled to said money for the next school year, which money shall be used either to extend the school term or to supplement the salary of the teacher or teachers employed to teach such shool as may be agreed upon by trustees of such subdistrict and the teacher or teachers employed to teach therein; provided, however that any contract or agreement for the use of any money not used in any previous school year, shall be approved by the County Superintendent of Common Schools. A detailed statement of the surplus amount to which each county is entitled shall be made out by the Superintendent of Public Instruction and filed and preserved in his office. The bonded surplus in the State treasury to the credit of the counties shall bear interest at the rate of six per cent. per annum, and the per capita derived from said interest shall be duly apportioned to the white and the colored schools of the county respectively, and be paid as provided in the following section: Provided, That when any county heretofore established out of the territory belonging to a county or counties having a surplus which has not been apportioned among said counties, and when any new county shall hereafter be established out of territory belonging to a county or counties having such a surplus, then the Superintendent of Public Instruction shall apportion such surplus among the original and

new counties in an equitable manner. (Ky. Stat. Sec. 4375, as amended by act of General Assembly 1908.)

§ 15.—**Successive Warrants—Distributing School Fund—Pay Rolls—Fund if insufficient must be distributed proportionately impartially**—For each school year the Auditor of Public Accounts shall, on the successive warrants of the Superintendent of Public Instruction, distribute the amount of the school fund due each County Superintendent of Common Schools, and the amount due each city, town or village, organized as one district to the Treasurer of the School Board thereof, as follows: On or before the first of October, one-sixth of the whole amount; on or before the first of November, one-sixth of the whole amount; on or before the first day of December, two-sixths of the whole amount; on or before the first of January, one-sixth of the whole amount, and on or before the first of February the residue, including the undistributed surplus; Provided, That if on the first day of October, November or December, the amount in the treasury to the credit of the school fund be insufficient to admit of a full distribution of the proportion required by this act, then the Auditor of Public Accounts shall, upon the successive warrants of the Superintendent of Public Instruction, distribute the amount of the school fund then on hand proportionately, without preference or partiality, to all the school districts in the State as heretofore directed, and in no event shall any school subdistrict entitled to participate be omitted or excluded in any distribution, or a further distribution be made to any district or subdistrict until all other subdistricts have been made equal on any previous distribution theretofore made. (Ky. Stat. Sec. 4376, as amended by act of General Assembly, 1904.)

CHAPTER IV.

STATE BOARD OF EDUCATION.

§ 16.—**How Constituted**—The Superintendent of Public Instruction, together with the Secretary of State and Attorney-General, shall constitute the State Board of Education. The board thus constitued shall be a body politic and corporate by the name and style of the Kentucky State Board of Education. (Ky. Stat. Sec. 4377.)

§ 17.—**Powers as to real and personal estate—Custodian of evi-**

dences—The corporation shall take, hold and dispose of real or personal estate for the benefit of the common schools of the State. The bonds, certificates of stock, and other evidences of property held by the board for common school purposes, shall be in the custody of the chairman, and the place of deposit shall be shown by the record of the board. (Ky. Stat. Sec. 4378.)

§ 18.—**Chairman—Quorum**—The Superintendent of Public Instruction shall be chairman of the board, and, with one other member, may control its corporate action at any regular or called meeting of the board, of which all the members shall have had timely notice in writing. (Ky. Stat. Sec. 4379.)

§ 19.—**Meetings—How called**—The board shall meet only on written call of the chairman. (Ky. Stat. Sec. 4380.)

§ 20.—**Corporate Acts**—The corporate acts of the board shall be attested by the signature of the chairman, and his private seal shall stand in lieu of a corporate seal. (Ky. Stat. Sec. 4381.)

§ 21.—**Standing Committee**—The State Board of Education shall constitute a standing committee, who shall prepare rules, by-laws and regulations for the government of the common schools of the State, which shall be adopted and enforced under the authority and direction of the county superintendents, trustees and teachers; shall prescribe regulations for the management of county teachers' libraries, and prepare suitable lists of books for subdistrict libraries with regulations for the management thereof; shall prescribe and publish a public graded course of study for the common schools specifying the order of studies, and the time to be alloted to each, which course of study shall be observed by the teacher and enforced by the trustees. (Ky. Stat. Sec. 4382.)

§ 22.—**Course of Study**—The instruction prescribed by the board shall embrace spelling, reading, writing, arithmetic, English grammar, English composition, geography, physiology and hygiene, civil government, United States history and the history of Kentucky. After July 1, 1893, the nature and effects of alcoholic drinks and narcotics upon the human system shall, in all schools supported wholly or in part by the State, be taught as thoroughly as other required studies to all pupils studying physiology and hygiene as a part of this branch. (Ky. Stat. Sec. 4383.)

CHAPTER V.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

§ 23.—**Oath—Bond—Beginning of term**—The Superintendent of Public Instruction shall take the oath, and enter upon the duties of his office, on the first Monday in January after his election, and shall give bond to the Commonwealth, with good security, for the faithful performance of his duties to be approved by the Governor, with at least twenty-five thousand dollars, the bond to be filed in the office of the Secretary of State. (Ky. Stat. Sec. 4384.)

§ 24.—**Salary—Office Supplies—Clerks**—His salary shall be two thousand five hundred dollars per annum; besides which, he shall be entitled to all office fixtures, stationery, books, postage, fuel and lights needed to carry on the work of his office. He shall have power to appoint three clerks, namely: A chief clerk, whose salary shall be fifteen hundred dollars per annum, a first clerk whose salary shall be one thousand dollars per annum, and a second clerk, whose salary shall be eight hundred and fifty dollars per annum; said salaries to be paid monthly out of the common school fund. (Ky. Stat. Sec. 4385.)

§ 25.—**State Board of Examiners**—The Superintendent of Public Instruction shall appoint two professional educators, who, together with himself, shall constitute a State Board of Examiners, who shall examine all applicants, personally applying to them for certificates of qualifications as county superintendents, or for State diplomas or State certificates. The said Board of Examiners shall prepare the series of questions for the examination of candidates for county superintendents, as provided in section 39 of this chapter, and also the different series of questions for the examination of teachers as provided in section 65 of this chapter and before forwarding to the county superintendents, shall submit all of the said series to the State Board of Education for their approval. (Ky. Stat. Sec. 4386.)

§ 26.—**Office and Work**—He shall keep his office at the seat of government in such suitable buildings as may be provided, and shall

devote his entire time and attention to the duties of his office. (Ky. Stat. Sec. 4387.)

§ 27.—**Accounts—Settlements—Changes of County Superintendent**—He shall keep an account of all the orders drawn or countersigned by him on the auditor; of all the returns of settlements and of all changes in the office of county superintendents, which shall be furnished to the auditor whenever required. (Ky. Stat. Sec. 4388.)

§ 28.—**Biennial report**—He shall, biennially, on or before the meeting of the General Assembly, make report of the condition, progress and prospects of the common schools; the amount and condition of the school fund; how its revenue for the two previous school years has been distributed; the amount produced and disbursed for common school purposes from local taxation or other sources and how and for what the same was expended; an abstract of the county superintendents' reports, the practicable working of the common school system of the State, with suggestions as to any alterations it may require; all of which together with such other facts, statistics and information, as may be deemed of interest to be known, he shall deliver to the contractor for the public printing, and cause to be printed a copy for each school district, and for each county and city superintendent of schools in the State, seven hundred and fifty copies for the use of the members of the General Assembly and for exchange with the Superintendents of Public Instruction of other States, and five hundred copies for distribution by the superintendent according to his discretion. (Ky. Stat. Sec. 4389.)

§ 29.—**Educational Charitable Institutions**—The Superintendent, in his report, shall set forth the objects, methods of admission, and other general information concerning the institutions for the blind, the deaf and dumb, and the feeble-minded; and, to aid him in his work the superintendents of those institutions shall be required annually by the first day of September, to furnish the Superintendent of Public Instruction with such condensed statement of their respective Institutions as it would be profitable to publish. (Ky. Stat. Sec. 4390.)

§ 30.—**Of Certified Copies of Records, etc.**—Copies of records and papers in his office, certified by him shall in all cases, be evidence equally with the originals. (Ky. Stat. Sec. 4391.)

§ 31.—**Blanks—Official Documents—Instructions**—He shall prepare suitable blanks for reports, registers, certificates, notices, and such other official documents as may be provided for in this chapter and shall cause the same, with such instructions and information as he may deem necessary to a proper understanding and use of them to be transmitted to the officers and persons intrusted with the execution of the provisions of the school law. (Ky. Stat. Sec. 4392.)

§ 32.—**Shall Biennially Edit Laws**—The Superintendent of Public Instruction shall biennially collect, arrange for publication and index the school laws, omitting all that has been repealed and inserting in its proper place that which is amendatory. (Ky. Stat. Sec. 4393.)

§ 33.—**Report Neglect of Duty, etc.**—It shall be his duty to report any neglect of duty or any misappropriations of common school funds on the part of the county superintendents or trustees of common schools in this Commonwealth to the county attorney whose duty it shall be whenever such neglect of duty or misappropriation of funds shall come to his knowledge, to prosecute such person in the circuit court of the county. (Ky. Stat. Sec. 4394.)

§ 34.—**Publications for Annual Distribution**—He shall have published, for annual distribution throughout the State, the general school laws of the State, abstracts of the decisions of the appellate courts and of the Attorney-General on points of school law and construction thereof, decisions, rules and regulations of the State Board of Education and of the State Board of Examiners, plans and specifications for building school houses; information and instructions in regard to application of the school law and the management of the common schools, important official and legal periods of the school year, with due notice thereof; and such other important facts and data as may be of interest to the public. Acts of 1894. (Ky. Stat. Sec. 4395.)

§ 35.—**Official Decisions—Appeals—Records**—The Superintendent of Public Instruction shall, at the written request of any county superintendent of common schools, decide any question of difference or doubt touching the administrative duties of officers and teachers of the common schools in his county. The decision of the Superintendent of Public Instruction shall in such case, be final,

unless appeal be prosecuted from his decision to the State Board of Education within thirty days. Before rendering such opinion, the superintendent may obtain the advice of the Attorney-General, whose opinion, in writing, shall be conclusive for the time, and sufficient defense against all parties. The decisions of the Superintendent of Public Instruction, and the opinion of the Attorney-General, shall be duly filed and duly recorded in a book kept for that purpose. (Ky. Stat. Sec. 4396.)

§ 36.—**Duty in case of Donations, Gifts or Devise**—Whenever he shall be informed that any donation, gift or devise of any real or personal estate shall have been made to the common school fund of Kentucky, it shall be the duty of the Superintendent of Public Instruction to appoint some discreet person, who shall take charge of the real or personal estate so granted, devised or donated and sell and dispose of the same, and pay the proceeds into the State treasury. Before said agent so appointed by the Superintendent of Public Instruction shall proceed to act, he shall give a bond, with good security, to the Commonwealth, for the faithful discharge of his duties as agent. Said bond shall be given in the county in which the donor, grantor, or devisor shall have died, or in the county in which the property is situated, the bond to be executed in, and approved by, the county court. The person so appointed shall make a settlement with the county court of his county, once in each year, and shall pay into the treasury the amount found in his hands after said settlement. The court shall allow said person a reasonable compensation for collecting and paying over said money, not exceeding ten per cent. on the first five hundred dollars, and five per cent. on the residue, which amount said person shall retain in his hands out of the money collected. For any failure of the person so appointed to discharge the duties under this law, he and his sureties shall be liable to all damages sustained, and for all money collected, with twenty per cent. damages on the amount so collected, and which he has failed to pay over. The suit on the bond shall be brought in the name of the Commonwealth of Kentucky, and shall be instituted by the Commonwealth's attorney, or county attorney. The person appointed by the Superintendent of Public Instruction shall have the same power in collecting and settling the estate as an administrator or executor now has by law, may institute and defend all suits in reference to said estate, and sell and convey the

real estate by deed. The amount of money paid into the treasury under the provisions of this section shall remain there until disposed of by law, and the treasurer and his sureties shall be liable for the same on his official bond. This section shall apply to all gifts, donations or devises heretofore or hereafter made to the school fund of Kentucky. But the provisions of this section shall not apply to cases where the terms or conditions of the devises, gifts or donations conflict with said provisions; but, in such cases, the terms or conditons of the devise, grant or donation shall be carried out as intended by the person making the same. (Ky. Stat. Sec. 4397.)

§ 37.—**Duty to Successor**—Upon retiring from office, the Superintendent of Public Instruction shall deliver to his successor all books, papers and effects belonging to the office, and on failure to do so, shall be fined in a sum not less than one hundred nor more than five hundred dollars, to be recovered by indictment in the Franklin Circuit Court. (Ky. Stat. Sec. 4398.)

§ 38.—**Expenses to be paid**—The Superintendent of Public Instruction should visit various portions of the State in the interest of the Common Schools. The necessary expenses thus incurred by the State Superintendent, not to exceed in all five hundred dollars annually, while engaged in such work, shall be paid by the Treasurer and charged to the common school fund; and that the Superintendent is hereby authorized to make monthly requisitions on the Auditor for such expenses, and that he render an itemized account of the same. (Ky. Stat. Sec. 4385a.)

CHAPTER VI.

COUNTY SUPERINTENDENT.

§ 39.—**Qualification —Certificate —Special Board —Certificate not Required for Re-election**—There shall be a county superintendent of common schools in each of the counties of the State, who shall be possessed of good moral character and of ability to manage the common school interests of the county efficiently. He shall possess a good English education, and shall be competent to examine the teachers who shall apply to teach the common schools in the county. He shall be twenty-four years old at the time of qualifying, a citizen of Kentucky, shall have resided two years next preceding

the election in this State, and one year in the county for which he is a candidate. No person shall be eligible to the office of county superintendent unless he shall hold from the State Board of Examiners a State diploma or a State certificate, which will not expire during his proposed term of office, or a certificate of qualification of the grade of a county certificate of the first class, which may be granted on an examination held before said board, or upon a written examination held by a special county board, composed of the county judge, county clerk and competent person selected by them, upon a series of questions for each examination prepared and forwarded under seal by the State Board of Examiners. The State Board of Examiners shall enclose the questions upon each subject in a separate envelope, with the name of the subject printed or written thereon; shall securely seal the envelope containing the said questions and enclose them in a package, which shall be sealed and forwarded by registered mail to the county clerk, and shall be kept under seal by him till the hour of examination; and the seal shall then be inspected by the other examiners and the applicants for certificates, and be duly opened in their presence. In case of sickness or other disability of either the county judge or county clerk, his duties herein prescribed shall devolve upon and be performed by the county attorney. The examination shall be held in every county on the last Friday in July and August next preceding the election of county superintendents, and the examination may be continued during the following Saturday by examiners, if deemed necessary, and the written answers of each examination shall immediately be forwarded by the county judge or county clerk, by registered mail to the State Board of Examiners, together with a fee of two dollars, which shall be paid to the two examiners, and the sworn statements of the county judge, county clerk and the person selected by them, that the examination had been conducted in their presence in strict accordance with the provisions of this section, and that no applicant had, directly or indirectly, received assistance. The State Board of Examiners may, if they deem the answers sufficient, grant a certificate, and if they refuse, it shall notify the county clerk, and no certificate can then be granted said applicant for the election then pending. The said certificate shall not entitle the holder thereof to teach in the common schools. A county superintendent, who has once obtained a certificate of qualification in pursuance of this sec-

tion, shall not be required to obtained another certificate as a condition of eligibility for re-election, if he has been continuously in office since his election. The members of the special county board shall receive for their service a reasonable compensation, to be allowed by the fiscal court. In counties embracing any city of the first class, maintaining a system of public schools separate and distinct from the common schools of the county, no person shall be eligible to the office of county superintendent other than a resident of such county, outside of such city or town. (Acts of 1894, Ky. Stat., Sec. 4399.)

§ 40.—**Who Ineligible**—No county judge, justice of the peace, circuit clerk, county clerk, county attorney, county surveyor, sheriff, coroner, assessor, trustee of a common school subdistrict, or teacher, while engaged in teaching, shall hold the office of county superintendent. (Ky. Stat. Sec. 4400.)

§ 41.—**Election—Term of Office—Contestant**—The county superintendent shall be elected by the qualified voters of each county at the November election in 1893; shall enter upon the discharge of the duties of his office on the second Monday in August, 1894, and continue in office until the first Monday in January, 1898, and until the election and qualification of his successor. And in 1897, and every four years thereafter there shall be in each county an election of a county superintendent, who shall hold his office four years from the first Monday in January following his election, or until the election and qualification of his successor. The county school superintendent shall be elected; and the vote canvassed and the result certified by the same officers, and in the same manner, as in the election of other county officers; and within ten days after the election the clerk of the county court shall forward a copy of the certificate of election to the Superintendent of Public Instruction. All county superintendents in office at the time of the November election, 1893, shall continue in office until the second Monday in August, 1894, or until their successors are elected and qualified. In cases of controverted right to the office of county superintendent, the Superintendent of Public Instruction shall have power to recognize a superintendent from among the contestants until the case has been settled. Provided, That in counties containing a city of the first or second class maintaining a system of public schools separate and distinct from the common schools of the county, the county superintendent shall reside in the portion of the county outside of such

city, and be elected by the qualified voters of said county residir out-side of such city. (Ky. Stat. Sec. 4401.)

§ 42.—**Official Bond—Renewal**—Before entering upon the dis charge of his duties, each county superintendent must enter into . covenant before the county court of the county, to the Common wealth of Kentucky, with sufficient security, in not less than the full amount of the school fund that may be due the county from all sources for that entire school year to be approved by the court, for the faithful discharge of his duties, and the said bond shall be renewed each year. Said bond shall be given in duplicate, one copy to be kept on file in the office of the county clerk, and the other to be forwarded, by the county clerk, to the Superintendent of Public Instruction. It shall be the duty of the county clerk, in forwarding the bond made by the county superintendent at the time of assuming the duties of his office, to also forward to the Superintendent of Public Instruction a certified copy of the order of the court inducting the said superintendent into office. Amended by act of 1902. (Ky. Stat. Sec. 4402.)

§ 43.—**Power over Districts—Unfit School Houses—Official Visits**—The county superintendent shall condemn any school house which is dilapidated, unhealthy, or otherwise unfit to be occupied for the purpose of a common school, and any fence or other inclosure of a schoolhouse, when such inclosure is for any reason insufficient for the protection of the house or ground. He shall condemn all school furniture or apparatus, insufficient in quantity, or not of the required character, and order the same replaced with the proper furniture or apparatus. He shall, within thirty days after any such condemnation, notify the trustees in writing. He shall, at least once a year, make an official visit to each subdistrict school of his county, but shall not make more than three such official visits in any one day. At the time of such visits he shall note in a book, to be kept for that purpose, the number of pupils in attendance; the number absent, and the cause of absence; the names of children unable to purchase books; the condition of the schoolhouse, furniture, apparatus, grounds and appurtenances; the qualification and efficiency of the teacher; the conduct and standing of the pupils; the method of instruction, the discipline and government of the school. In the visits to the school he shall advise with the teachers and give them such instruction regarding discipline and teaching as he may deem

necessary. He shall counsel the trustees and see that they discharge their duties, especially in securing full and regular attendance. He shall admonish the teacher found remiss of duty in the matter of cleanliness of house, preservation of furniture and necessary ventilation, and complain to the trustee in cases of gross neglect of duty in these respects. He shall examine the teacher's register and grade book, and the trustees' register; he shall see that the records are properly kept, the levy of a tax, if any, and the official visits and proceedings of the trustee are properly recorded, and by every means in his power strive to promote and advance the cause of common schools. (Ky. Stat. Sec. 4403.)

§ 44.—**Census Report—Responsibility for Errors**—It shall be the duty of each county Superintendent, on or before the first day of June of each year, to prepare, mail to, and cause to be placed in the hands of the Superintendent of Public Instruction a report, certified by the county judge or clerk that the report is a correct statement, as shown from the census on file in the office of the clerk of the county court, showing the whole number of children, between the ages of six and twenty years residing in his county, and the whole number residing in each subdistrict, including each city and each independent district, described by its number; and he shall be individually responsible to the teacher or the subdistrict for any loss sustained by said teacher or subdistrict by reason of any error made by the said superintendent in reporting the census thereof. He shall superintend the census taken during the month of April by the trustee, and not later than the twentieth of March of each year, shall notify the trustee that the boundaries of the subdistrict are as recorded for the past year in the trustees' register; or if any changes have been made, shall give to the trustee exact notice of such changes, and, in due time, see that the said changes are included in the description of the boundary entered in the trustee's register. At the time of such notice, he shall give the said trustee printed or written instructions for taking the census; caution him against reporting persons not legally belonging thereto. He shall base his report upon the census taken during the month of April, and reports thereof made to him by the subdistrict trustee. If such reports are not in from any subdistrict by the tenth of May, the county superintendent shall take, or have the census of such subdistrict taken, the cost of

which shall be paid out of the county levy, and the fiscal court may recover from the delinquent trustee the amount so paid. (Ky. Stat. Sec. 4404 as changed by Act, 1908.)

§ 45.—**Text Books for Indigent Children**—It shall be the duty of each county superintendent, before the opening of the schools each year, and from time to time, by personal observation or from trustees and teachers and otherwise, to ascertain the number and cost of text-books upon each of the common school branches needed by the indigent children of each subdistrict and of the county for use in the common schools, and shall report to the county judge the number and kind of books needed, when the county judge shall purchase the books and pay for them by an allowance made by the fiscal court of the county; the county judge shall turn them over to the county superintendent for distribution, taking receipt for the number and value of the books, but the cost of said books shall not exceed in the aggregate one hundred dollars in any county per annum. It is hereby made the special duty of the county and city school superintendents of common schools to report to the county judge the names of all such indigent children furnished them by trustees, and to see that the provisions of this section are faithfully executed. (Ky. Stat. Sec. 4405.)

§ 46.—**Additional Facts to be Reported**—County superintendents and trustees of common schools shall report facts additional to those now required to be reported, whenever, in the judgment of the board or of the Superintendent of Public Instruction, the interest of the common schools of the State shall indicate the necessity therefor. (Ky. Stat. Sec. 4406.)

§ 47.—**Payment of Teachers**—Each county superintendent of common schools shall, on the second Saturday in October, reckoning school months of twenty days, pay the amount due each teacher of a common school for the month or months completed, but not for any fraction of a month, except as provided in section 73, on the certificate of the trustee for the subdistrict and the chairman of the educational division that the school has been legally taught for that period; and thereafter the county superintendent shall, on the second Saturday of each calendar month, pay the salary due each teacher of a common school, for the previous school month or months not previously paid for, on the certificate of the trustee for the sub-

district and the chairman of the educational division, that the school has been legally taught for the period specified: Provided, That all of said payments shall be made to the teacher personally or on written order, and at the last payment shall be for the entire balance due the teacher, including the undistributed surplus and interest on the county bond; and that any teacher who may violate his contract with the Division Board by refusing to continue his school, shall forfeit any fractional salary that may be due him. In cities and towns organized as single districts, and reporting direct to the Superintendent of Public Instruction, the provisions of this section shall equally apply, or such city or town may receive in January the whole amount due it if it shall so desire. In either case the president or chairman of the school board of such cities or towns shall make the report required of them by this law, under oath direct to the Superintendent of Public Instruction, and he shall draw his warrant on the Auditor of Public Accounts in favor of the treasurer of such school board, which, when approved and countersigned by the Superintendent of Public Instruction shall entitle such treasurer to a warrant on the treasury of the State for the amount thereof, and the said treasurer and securities shall be accountable for the same upon his official bond in any action by such school board of which the Superintendent of Public Instruction shall be officially notified. (Ky. Stat. Sec. 4407.)

§ 48.—**Penalty for Fraudulent Report of Common Schools**—Any county superintendent who shall knowingly and wilfully report to the Superintendent of Public Instruction a number of common schools as having been taught in his county greater than the number of such schools actually taught therein according to law, or a number of children entitled to tuition in his county greater than the actual number of such children, or otherwise knowingly and wilfully misstates any fact or facts which he is or may be hereafter required by law to report to the Superintendent of Public Instruction, shall be deemed guilty of a felony, and, upon conviction thereof be fined in a sum not less than two hundred nor more than five hundred dollars, or imprisoned in the penitentiary not less than one nor more than ten years, or both fined and imprisoned, in the discretion of the jury, and be removed from office. And all sums recovered from him by due process of law, or by voluntary surrender of the excess taken by him, shall be paid into the school fund. (Ky. Stat. Sec. 4408.)

§ 49.—**Annual Settlement**—Each county superintendent shall on or before the first day of August, annually settle his accounts for the previous school year with the county judge of his county, and forward a copy of said settlement, certified by the clerk of said court to be correct, to the Superintendent of Public Instruction. Said settlement shall embrace all sums received since the date of his last settlement by said county superintendent for the benefit of common schools taught during the school year; a full statement of all such sums paid out by him, for what, to whom, and when paid; and should any part of said fund received by him as aforesaid, remain uncalled for, and not be paid out, he shall immediately refund said amount to the State treasurer, stating why it was not, for and to what district it belongs, and at the same time notify the Superintendent of Public Instruction that he has refunded the said amount, that he may give said county superintendent proper credit on his books for said amount refunded. The receipt of the auditor for money refunded shall be a sufficient voucher with the county judge in said settlement. Should the copy of such settlement fail to reach the Superintendent of Public Instruction by the tenth day of that month it shall be his duty to notify the county judge and the delinquent county superintendent of the fact; and upon receiving such notification it shall be the duty of the judge, in case the settlement shall not have been made, immediately to compel a settlement by attachment, as in cases of contempt, and a copy thereof to be forwarded to the Superintendent of Public Instruction. For his wilful failure to pay out to those entitled thereto any money in his hands for the space of thirty days after the same shall be received by him, or for his wilful failure to make the aforesaid settlement by the time required by law, the county superintendent shall be guilty of misdemeanor and being indicted and convicted thereof he shall be fined in a sum not less than one hundred nor more than five hundred dollars, as well as remain liable on his official bond, and be removed from office. (Ky. Stat. Sec. 4409.)

§ 50.—**Annual Report—Penalty for Failure**—He shall, on or before the first day of August, prepare and mail and cause to be placed in the hands of the Superintendent of Public Instruction, his official report, showing in tables of details and aggregates, the school subdistricts of his county by number; the name and address

of the trustee of each subdistrict, with date at which each one's term expires; the subdistricts in which schools were taught and the length of time taught; the highest, lowest and average number of children at school; the cost of tuition of each child for the session and per month; the number of private schools, academies and colleges taught in the county, and length of session of the same, the number of teachers employed—male, female and total—for the common schools; the average wages of male teachers, female teachers, and of total teachers per month; the name and address of teachers resident in his county, with grades of certificate of each; the amount of money raised for common school purposes in the county, by local tax or otherwise, and for what the same was disbursed; the number and kind of schoolhouses and the values of each; the number of schoolhouses built and the value of each; the number of subdistrict libraries; also county library, if any, and number of volumes in each, and the increase during the year; the amount he has received for official compensation and expenses. For wilful failure to be present at his office at the time appointed to receive reports, or for failing to make the reports herein required, he shall be fined a sum not exceeding fifty dollars. (Ky. Stat. Sec. 4410.)

§ 51.—**Official Record**—Each county superintendent shall keep a detailed account of all money received and distributed by him; a record of all business transacted by him as county superintendent, together with the reports of the trustees; the names, numbers and description of school subdistricts, and all other papers and documents connected with his office, at all times subject to inspection and examination by any school officer or other person interested in any question pertaining to the common schools. (Ky. Stat. Sec. 4411.)

§ 52.—**May Administer Oath**—A county superintendent may administer the oath required of a trustee or of a teacher of common schools, or other persons required to make oath in matters relating thereto. (Ky. Stat. Sec. 4413.)

§ 53.—**Oath to Trustees—Record of—Blanks—Official Notices**—He shall administer the oath of office to trustees-elect applying to him for that purpose; but it shall be lawful for any justice of the peace, or other person authorized to administer oaths, to administer the oath of office to any trustee, but said oath shall not be valid un-

less reported in writing to the county superintendent by said justice or other person within ten days from the time when administered. He shall make a record of the names of trustees then qualified, showing the subdistricts in which they were elected, and the post-office of each. He shall, at the time, deliver to the trustee of each subdistrict such blanks as they will need for the coming school-year, and give such information with regard to their duties as may be requested. He shall address all official correspondence to the trustees. Notice to them shall be regarded as notice to the people of the subdistrict, and it shall be the duty of the trustee to notify the people. (Ky. Stat. Sec. 4414.)

§ 54.—**Attendance at Office**—It shall be the duty of the county superintendent to be in attendance at his office, at the county seat, on the second Saturday of each month, and at such other times as may be necessary to transact his official business. (Ky. Stat. Sec. 4415.)

§ 55.—**Penalty for Buying Teacher's Claim or Acting as Text-Book Agent**—No county superintendent shall be allowed to buy for himself, or another any teacher's claim, directly or indirectly, or to act as agent for the sale of any text-book. Any superintendent guilty of violating this section shall be fined not less than one hundred nor more than one thousand dollars for each offense. (Ky. Stat. Sec. 4416.)

§ 56.—**May Suspend or Remove Trustee—Condition**—For incompetency, neglect of duty, immoral conduct, or other disqualification, the county superintendent may suspend or remove from office any trustee of any school under his supervision. But before a county superintendent shall suspend any trustee he shall give said trustee at least five days' notice of the charges made against him, and give the trustee an opportunity to produce evidence and defend any action against him. (Ky. Stat. Sec. 4417.)

§ 57.—**Official Decisions—Appeals—Relations to Superintendent of Public Instruction**—The county superintendent shall decide all questions of difference or doubt touching the administrative duties of the officers and teachers of common schools in his county; but appeals from his acts and decisions may be had, on petition of any interested person, to the Superintendent of Public Instruction. The county superintendents shall conform to such reasonable rules and requirements as the Superintendent of Public Instruction shall,

from time to time, prescribe and announce to them. (Ky. Stat. Sec. 4418.)

§ 58.—**Compensation for Services—Salary $400—$1,500**—For all the services rendered and the expenses incurred by the county superintendent under the provisions of this law, he shall be allowed a salary annually by the fiscal court of his county, based on the number of children reported in the census report of the subdistrict trustee of such county; which salary shall not be less than eight cents nor more than twenty cents for each pupil child thus reported. Before the court shall allow the salary, it shall be satisfied, from the statement subscribed and sworn to by the superintendent, and from such other evidence as may be adduced, that he has visited the schools of the county, and that the said services have been faithfully and efficiently performed according to law. Said salary shall be paid out of the county levy as the salary of the county judge is now paid, and in his report to the Superintendent of Public Instruction, he shall state the full amount allowed him by the fiscal court for his official service. Provided, however, That no salary shall be less than $400 nor greater than $1,500. In fixing the salary of the said superintendent, no child shall be counted or enumerated who is under a city school superintendent of a city of the first, second, third or fourth class. The fiscal court shall furnish the county superintendent with a suitable office, free of charge, large enough to accommodate the county teachers' library. (Ky. Stat. Sec. 4419.)

§ 59.—**How Vacancy in Office is to be Supplied—Removal from—Appeals**—In case of the death, removal or resignation, refusal to serve or inability of the county superintendent elected to give the bond required or to perform the duties of the office, a successor shall be appointed or elected as follows: If the unexpired term will end at the next succeeding annual election, or if the unexpired term will not end at the next succeeding annual election, and three months intervene before said annual election, the county judge of each county is authorizd to appoint a successor, duly qualified according to section 45 of this law, to continue in office until the next succeeding annual election, when one shall be elected for the unexpired term. If the unexpired term does not end at the next succeeding annual election, and three months does not intervene between the happening of said vacancy and the next succeeding annual election, the county judge shall appoint a successor of said qualification to

continue in office until the second succeeding annual election when one shall be elected for the unexpired term. In case of a vacancy in this office the county judge shall, as soon as practicable, notify the Superintendent of Public Instruction, and request him to appoint a day and furnish questions for an examination to fill said vacancy; and the said examination shall be conducted in a manner prescribed by law. The county court may, at any regular term, after ten days' notice, remove a county superintendent for inability, or habitual neglect of duty, or malfeasance in office. An appeal to the circuit court may be taken from the order of the county court removing the superintendent, and from the circuit court to the Court of Appeals, as in civil actions. (Ky. Stat. Sec. 4420.)

§ 60.—**Duty to Successor**—Each county superintendent, when he resigns, vacates, is removed or goes out of office, shall immediately thereafter deliver to his successor or to the county court clerk for him, any money, property, books, effects, or papers remaining in his hands as county superintendent, and within ten days shall settle with the county court, and for a failure to do so shall be fined not less than fifty dollars nor more than one hundred dollars. It shall be the duty of the county clerk to forward a certified copy of said settlement to the Superintendent of Public Instruction. (Ky. Stat. Sec. 4421.)

CHAPTER VII.

CERTIFICATION AND DUTY OF TEACHERS.

§ 61.—**Qualifications of Members**—The county superintendent shall appoint two strictly moral and well-educated persons, holding county certificates of the first class, State certificates, State diplomas or Diplomas from some literary institution of high learning, who, together with himself, shall constitute a board of examiners for the county. No person shall be eligible as examiner on said county board who is at the time or for six months previous thereto, has been conducting or teaching in any school, college or university where teachers or those preparing to teach are making preparation to be examined for certificates to teach in the common schools of this State. Before they shall be authorized to act in any capacity as such board, or grant any certificates, said examiners shall take and subscribe to an oath that they will faithfully discharge their duties

as required by the common school law, and the said affidavit shall be filed in the office of the clerk of the county court. (Ky. Stat. Sec. 4422.)

§ 62.—**Duties of State and County Boards as to Questions, Examinations, Certificates—Dates—Order of Subjects—Improper Persons**—County certificates shall be granted by the county board of examiners to persons not under eighteen years of age, upon written examinations upon the science and art of teaching, and upon the subjects embraced in the common school course, including, in connection with physiology and hygiene, the effects of alcoholic drinks and narcotics upon the human system, held in each county of the State for white teachers upon the third Friday and Saturday in May, June, July and August, of each year, and for colored teachers upon the fourth Friday and Saturday of the same months; and no examinations shall be held at any other time whatever. No certificate shall be issued upon the days of examination; nor shall any answers be passed upon in the presence of any applicant. The State Board of Examiners shall carefully prepare four series of questions for white teachers, and an equal number for colored teachers, all of the same grade; shall enclose in a separate envelope such number of questions of each given series as the county superintendent shall make requisition for at least twenty days before the examination, with the name of the subject plainly written or printed across the seal thereof; shall enclose the several envelopes in a package, which they shall seal and forward by registered mail or by express to each county superintendent at least two weeks before the examination, designating the month for which the same shall be used. The county superintendent shall carefully preserve the said package of questions under seal until the hour of examination; and the seal of the said package shall then be examined by the other examiners and the applicants for certificates, and the package shall be opened in their presence. Immediately after examining the package of questions each of the county examiners shall, under his oath as examiner, upon blanks furnished for that purpose by the Superintendent of Public Instruction, give a separate certificate, with the signature attested by two reliable witnesses, that he had personally inspected the said package, and whether he had found the same intact, as provided herein, and forward the certificate to the Superintendent of Public Instruction on the same day. The examiner shall allot a reasonable time for the examination upon each subject, tak-

ing the subjects in the order named in the section, specifying the subjects embraced in the common school course, and shall collect the answers of all the applicants when the time allotted has expired; and, after the first subject is presented to the applicants, the said examiners shall not present any other subject, or open the envelope thereof, until they collect the answers of all applicants to all questions previously presented. The said examiners shall not examine any applicant until they are fully satisfied that said applicant possesses an unexceptionable moral character, and is of the age herein prescribed; and, in no event, shall a certificate be granted to any person who indulges in drunkenness, profanity, gambling or licentiousness, or who, within the belief of the examiners, has had improper access to the examination questions. They shall, during the examination, exclude from the room all persons other than applicants, see that the applicants are seated at a proper distance from each other, and shall see that no assistance is given or obtained by any applicant during the examination, and shall refuse to grant a certificate to any applicant who may either obtain or give such assistance. The county superintendent, and at least one of the examiners, shall be present, and shall conduct all examinations and sign all certificates. The county superintendent and other examiners shall have full power, and it shall be their duty to make investigation as to the moral character of applicants; and the county superintendent shall also have full power to administer an oath as to improper use of questions, and as to other matters, touching the qualification of teachers under this act. (Ky. Stat. Sec. 4425.)

§ 63.—**Certificates of Qualification**—There shall be three grades of certificates issued to teachers of common schools: First, a State teacher's diploma; second, a State teacher's certificate, and third, a county certificate which may be a first class, second class or third class. Before any person shall be qualified to teach any common school, such person shall obtain one of these three grades of certificates. (Ky. Stat. Sec. 4501.)

§ 64.—**State Diploma—Fee $5.00**—State diplomas may be issued by the State Board of Examiners after a personal examination held at the State Capital on the last Wednesday of June and August of each year, upon the subjects embraced in the common school course of study, and also upon the science and art of teaching, psychology,

English literature, algebra, higher arithmetic, geometry, physics and elementary Latin. In order to be entitled to a State teacher's diploma, the applicant, in addition to attaining on the required examination an average grade of not less than ninety per cent., the lowest grade on any subject being not less than seventy per cent., shall be at least twenty-four years old, and shall have taught in the State at least two years, and shall present satisfactory evidence of unexceptionable moral character. A State diploma shall be good in all schools throughout the State, maintained wholly or partly by the State, until revoked by the Superintendent of Public Instruction, or until the holder shall fail for two successive years to be engaged in active school work. It shall qualify the holder for eligibility as candidate for the office of county superintendent of common schools, and may, for cause, be revoked by any county superintendent, subject to the approval of the State Board of Education, as far as it applies to his county, of which immediate information shall be given the Superintendent of Public Instruction. A State diploma shall be impressed with the seal of the State Board of Examiners, and the fee of the applicant shall be five dollars, which shall be paid to the two members, who, with the Superintendent of Public Instruction, compose the State Board of Examiners. [Acts of 1894.] (Ky. Stat. Sec. 4502.)

§ 65.—**State and County Certificates—Forward Papers to State Board—Written Statement—8 Years Renewal—Fee $4.00—Third Class one only—Incompetent, Immoral Teachers—Annual Renewal**—A State teacher's certificate may be granted by the State Board of Examiners upon the recommendation of the county board of examiners, after a written examination, held in applicant's county, attaining an average grade of at least ninety per cent., the lowest grade upon any subject being not less than seventy per cent. upon the subjects embraced in the common school course of study, and also upon English literature, elementary algebra, higher arithmetic, and the science and art of teaching, including the elements of psychology. In order to be entitled to a State certificate, the applicant, in addition to passing the required examination, shall be at least twenty-one years old, shall have had two years' experience in teaching, and shall present satisfactory evidence of unexceptionable moral character. The questions for the examination of applicants for State certificates shall be forwarded by the State Board of Examiners,

with the questions for the June and August county examinations, at the same time, in the same package, and be preserved and opened at the same time as the questions for county certificates The applicants for State certificates shall be examined on the same days upon which the applicants for county certificates are examined, in June and August, and immediately, upon the close of the examination for State certificates, the county superintendent shall collect the papers of each applicant for a State certificate, preserve them from all inspection, make such examination of them as will enable the said county board, with their personal knowledge of the applicant, to make a recommendation to the State Board of Examiners that a State certificate should or should not be granted, and forward the same by registered mail to the State Board of Examiners, with a recommendation as to the granting of a State certificate. No applicant shall be examined for a State certificate unless the said applicant is known to the county superintendent to possess an unexceptionable moral character, and to possess the age and experience herein required. With the answers as forwarded to the State Board of Examiners, the county superintendent shall inclose a written statement in proper form, signed and sworn to by at least two members of the local examining board, that the examination had been held in strict accordance with the law, and that the applicant had not, either directly or indirectly, received any assistance, and that the moral character of the applicant is unexceptionable. If the answers and statements are deemed sufficient, if the recommendation of the county board be favorable, the State Board of Examiners may issue a State certificate, which shall entitle the holder to teach in the common schools of the State, graded or city schools, for a period of eight years, unless revoked by the Superintendent of Public Instruction, or unless the holder shall fail for two successive years to be engaged in active school work. At the expiration of the time for which it was granted, if it shall not have been revoked by the Superintendent of Public Instruction, and if the holder shall not have failed for two successive years to be engaged in active school work, a State certificate may be renewed for another eight years by the State Board of Examiners without additional fee, upon the recommendation of the board of examiners of the county whereof the holder shall at that time be a resident. Any county superintendent may, for cause, revoke a State certificate as far as it applies to his

county, of which immediate information shall be given to the Superintendent of Public Instruction, and be subject to his approval. A State certificate shall be impressed with the seal of the State Board of Examiners, and the fee charged the applicant shall be four dollars, besides the registration fee for forwarding the answers, of which one dollar shall be paid to the county board of examiners. The proceeds of the fees for examination for State certificates and of the examination of candidates for county superintendent, shall be divided between the two professional members of the State Board of Examiners in proportion to the services rendered by them. County certificates shall be first class, second class, or third class, and shall apply only to the county in which they are issued, and shall be good for four years, two years and one year, respectively. Third class certificates shall not be issued more than once to the same person in any event. After July 1, 1894, a certificate of the third class shall not entitle the holder to teach in any district reporting fifty-five or more pupil children, nor shall a certificate of the second class entitle the holder to teach in any district reporting seventy-five or more pupil children. A county certificate of the first class shall require an average grade of eighty-five per cent. upon all subjects of the common school course, and upon the science and art of teaching; and the lowest grade on any subject shall not be less than sixty-five per cent. A county certificate of the second class shall require an average grade of seventy-five per cent., and the lowest grade on any subject shall not be less than fifty-five per cent. A county certificate of the third class shall require an average grade of sixty-five per cent., and the lowest grade on any subject shall not be less than fifty per cent. If, at any time, the holder of a county certificate shall be found incompetent, inefficient, immoral, or otherwise unworthy to be a teacher, the county superintendent shall revoke the certificate of such person; and any teacher dismissed from school on such grounds shall be entitled to receive payment for services only up to the time of dismissal. Nothing in this act shall be construed to require any teacher now holding a teacher's certificate to be re-examined until the expiration of said certificate. A person having taught for eight consecutive years in the same county under first-class certificates, obtained as hereinbefore provided, may have the last one renewed annually for four years by the county superintend-

ent, who shall write upon it "Renewed," sign officially, and give date of such renewal. (Ky. Stat. Sec. 4503.)

§ 66.—**Penalty for Improperly Granting Certificates**—Any county superintendent or county examiner who shall knowingly grant to any immoral person, or to any person under the prescribed age, a certificate to teach in the common schools, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than fifty nor more than one hundred dollars for each offense.

§ 67.—**Fee**—Any county superintendent, county examiner, printer, officer of State or county, or any other person who shall sell, barter, give or furnish or procure to be sold, bartered, given or furnished, to any applicant for a certificate to teach in the public schools, or to any other person, any question or questions prepared or sent out by the State Board of Examiners for the examination of persons applying for such certificate, or in any way dispose of such question or questions, except in the manner provided by law, shall be guilty of a felony, and shall, upon conviction, be punished by confinement in the State penitentiary not less than one year nor more than two years. The county board of examiners shall charge each applicant a fee of one dollar for each examination made, the proceeds of which shall be divided between the two members of the board appointed by, and acting with, the county superintendents in proportion to the services rendered by them. (Ky. Stat. Sec. 4426.)

§ 68.—**Oath of Applicant**—All applications for teachers', county or State certificates, or State diplomas in the Commonwealth of Kentucky, immediately before entering upon examination shall subscribe to the following oath, which shall be presented to them by any of the Board of Examiners, viz.: "I do solemnly swear (or affirm) that I have not had access, directly or indirectly, to the State Board or other questions to be used in this examination, and that I have no personal knowledge of any unlawful usage of the aforesaid questions by any other person or persons, which knowledge I have not communicated to the grand jury, county attorney or county superintendent of schools of the county in which the aforesaid person or persons did unlawfully use or attempt to use said questions."

§ 69.—The Superintendent of Public Instruction shall furnish each county superintendent in the Commonwealth with a sufficient number of copies of the oath prescribed in this act, printed on sheets

with blank space below for names and addresses of applicants. Each copy, after being subscribed to by applicants as provided in this act, shall be dated and signed officially by the Board of Examiners and preserved in the office of the Superintendent of Public Instruction or county superintendent of common schools as a public record.

§ 70.—**Violation**—Any Superintendent of Public Instruction or county superintendent of common schools or Board of Examiners for teachers', county or State certificates or State diplomas failing to comply with the provisions of the act shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum not less than fifty dollars nor more than one hundred dollars for each offense. (Ky. Stat. Sec. 4425.)

§ 71.—**Must Grade School, keep Grade Book and make Reports —Summary**—It shall be the duty of each teacher of a common school to keep such register of the school as the State Superintendent may require of and furnish to him as needed, through the county superintendent. The teacher's register shall be the property of the subdistrict; shall be systematically graded for at least four years' work; shall be well preserved, without mutilation or useless marking; shall be in the care of the teacher during the school term, and at the close thereof, shall be delivered to the chairman of the division board, who shall be responsible for it, and deliver it to the teacher at the opening of the next school term, and it shall be open at all times to the inspection of the trustee and the county superintendent. The section allotted to each year shall be divided into two parts, designated as monthly summary and term summary. The monthly summary shall show the day of the week and the day of month upon which the term began; the day of the week and of the month of each day taught; the number of pupils enrolled; the number in attendance each day; the name, sex and weekly standing of each pupil in each subject, and such other facts as the Superintendent of Public Instruction may desire. On the last day of each month taught, the teachers shall sum up and place at the end of the record for the month the facts herein required to be kept, with the day of the week and month on which the school month closed; the highest and lowest number of pupil children in attendance, the average percentage of the attendance of the whole number of pupil children in the district. The term summary shall show the monthly statement made at the end of each month, the

percentage of the enrollment of the whole number of pupil children in the district, the highest, lowest and average number of children in attendance, the average percentage of children of the district in attendance, the number of pupils in each class, the name of the text-book used in each class, the point reached by each pupil in each book at the close of the term, the names of all pupils that should be advanced, the class of the teacher's certificate, his average monthly salary, and such other facts as may be required in the register. (Ky. Stat., Sec. 4504.)

§ 72.—**Superintendent of Public Instruction to Furnish Blanks—Character of Reports—Term Report— False Certificate**—The Superintendent of Public Instruction shall provide for each teacher a blank monthly report for each month to be taught, and also a blank term report. At the end of each month taught, the teacher shall fill the monthly report of that month from the facts summed up in the monthly summary of the register, and shall present the monthly report to the chairman of the division board, who shall carefully examine it, and if found correct he shall, if requested by the teacher, fill out and sign a certificate attached to the monthly report, certifying that the month has been legally taught; and upon the chairman's certificate the teacher shall draw his salary from the county superintendent for the month so certified, after the monthly report has been duly delivered to the county superintendent. Within ten days after the close of the last month of the term, the teacher shall make out the term report from the term summary in the register; shall present the term report, the last monthly report, and the teacher's register to the chairman, who shall carefully inspect them and approve the report, if correct, make out the chairman's annual report, and shall then give the teacher certificates for the month or months not previously certified, and shall place the chairman's annual report in the teacher's hands for the delivery to the county superintendent. Nothing herein shall be construed to prevent a chairman of the division board from certifying to, or a county superintendent from paying for, a fraction of a month in any case in which the teacher, from sickness or other disability, shall be unable to continue the school. Any teacher who shall make a false monthly or term report, or any chairman who shall give a certificate of a month or months taught before he has carefully examined and approved the report of each month, or any county superintendent who

shall make a payment upon a teachers' salary, except upon the chairman's certificate, shall be guilty of a misdemeanor, and, on conviction, be fined fifty dollars for each offense. (Ky. Stat. Sec. 4505.)

§ 73.—**Required Duties—Penalty for Wilful Refusal or Neglect—Authority—Appeal**—Teachers shall faithfully enforce in school the course of study, the use of the text-books adopted in the county, and the regulations prescribed in pursuance of law; and if any teacher shall wilfully refuse or neglect to comply with such regulations, the Division Board may remove him, at any time, subject to the approval of the county superintendent; and in case of such dismissal or removal, the said teacher shall receive payment only for the time taught. The teacher is authorized and directed to hold each pupil to a strict accountability for any disorderly conduct on the playground, or during any intermission or recess, or on the road to and from school; and for good cause he may suspend any pupil; but such suspension shall be immediately reported, in writing, to the chairman of the division board. In cases of suspension, the action of the teacher shall be final unless reversed by the division board. Either party may appeal from the decision of the division board to the county superintendent whose decision shall be final. But no teacher shall be required or under any obligation to teach any other than the common school branches prescribed by the State Board of Education in the common schools, unless it shall be so specified in a written contract with the division board. (Ky. Stat. Sec. 4506.)

CHAPTER VIII.

THE COUNTY SCHOOL BOOK LAW.

§ 74.—**Members of Commission**—There is hereby created in each county within the State a County Text Book Commission, which shall consist of the County Superintendent of School, two members of the County Board of Examiners, the Principal of a High School in the County, to be appointed by the State Board of Education, and one member of the County Board of Education elected by said County Board, provided that no person shall serve on said Commission who is the author of any text book published for use in the common schools, or who has been in the employ as a

traveling salesman, or otherwise, of any publisher of school text books within a period of two years prior to the passage of this act.

§ 75.—**Vacancies—How Filled**—Vacancies on the Commission resulting from the disqualification of the County Superintendent, Principal of the county high school, or member of the Board of Examiners, shall be filled by the State Board of Education. Vacancies resulting from other causes shall be filled as prescribed by law for original members.

§ 76.—**Oath of Office**—Each member of said Commission shall qualify by taking and subscribing to an oath faithfully to discharge his duties as required by this law, and the said affidavit shall be filed in the office of the clerk of the county court of the county.

§ 77.—**Meetings of Commission—Record to be kept by Secretary**—The members of the County Text Book Commission, as thus constituted, shall meet on the call of the County Superintendent in his office during the month of April of the years in which existing contracts expire, and shall organize. The County Superintendent shall be ex officio Chairman of the Commission, and a Secretary shall be elected from the membership. The Chairman shall preside at all meetings of the Commission. The Secretary shall keep complete records thereof, and all such records and all contracts shall be signed by the chairman and secretary.

§ 78.—**Adoption of Books—Sealed Bids—Advertisement**—Not less than sixty days before the expiration of the contracts now in force for furnishing books to the common schools of the county, the County Text Book Commission shall advertise through one or more county papers, or by written notification to all qualified publishers as hereinafter provided, that at a time and place fixed definitely in the advertisement, sealed bids or proposals will be received from the publishers of school text books for furnishing books to the common schools of the county, in accordance with the provisions of this law and such regulations as the Commission may prescribe. Such advertisement shall reserve to the Commission the right to reject any and all bids.

§ 79.—**Proposal to State Contract and Exchange Prices—Specimen Copy of Books**—Such bids or proposals shall be for furnishing books during a period of five years and no longer. The bids shall state specifically the net contract prices at which books are to be furnished to agents within the county, and the exchange price to

the pupils, and shall be accompanied by a specimen copy of every book proposed to be furnished. All bids shall be sealed and deposited with the Chairman of the Commission to be by him delivered to the Commission in executive session, when they shall be opened in the presence of the Commission. It shall be the duty of the Chairman of the Commission to carefully preserve in his office for comparison the specimen copy of each of the books adopted, together with the original bid or proposal, and when requested, to return to the publishers the specimen copies of other books submitted, at their expense.

§ 80.—**Bids may be Rejected**—The Commission shall have and reserve the right to reject any and all bids for reasons satisfactory to a majority of the Commission. In case of failure to select from the bids submitted a satisfactory text book upon any of the branches prescribed by law, the Commission shall readvertise for sealed bids under the same terms and conditions, and proceed with its investigations as in the first instance.

§ 81.—**Uniform Series of Books—Cities Exempt**—It shall be the duty of the said Commission in each county, during the months of June or July of the years in which existing contracts expire, by a majority vote of the entire Commission to adopt from the authorized State list, as hereinafter provided, a uniform series or system of text books for use in the common schools of the county, except in cities of the first, second, third, fourth, fifth and sixth classes, and to arrange for the distribution of such books to agents at the net contract price. The Commission may, from time to time, make any regulations not contrary to the provisions of this act to secure the prompt and faithful performance of all contracts, and the prompt distribution of the books herein provided for.

§ 82.—**Merits of Book to be Considered**—The Commission, in the selection and adoption of a uniform series of text books, shall consider the merits of the books, taking into consideration their subject-matter, the printing, binding, material and mechanical qualities, their general suitability and desirability for the purposes intended and the price. The Commission shall select and adopt such books as will, in its judgment, accomplish the ends desired.

§ 83.—**Branches to Include Elementary and High Schools**—The uniform series of text books to be selected by the Commission shall include all the branches required by law to be taught in the common

elementary and high schools of the county, except as herein provided, but no text book shall contain anything of a partisan or sectarian character.

§ 84.—**County High School Adoption**—County high schools having been established since the last adoption of text books, it shall be the duty of each County Text Book Commission, as herein constituted, by or before the 1st of July, 1910, to adopt a uniform series of text books for use in such county high schools and such other high schools as may not be exempt by law from the provisions of this act. Such adoption shall be made in accordance with the provisions of this act, and shall be for a term of four years from July 15, 1910. All adoptions thereafter shall be for a term of five years.

§ 85.—**Contracts Awarded—Must Notify State Superintendent**—After the adoption shall have been made, the Commission shall award the contracts and shall, by registered letter, notify the bidders to whom contracts have been awarded, and shall at the same time notify the State Superintendent of the awards made. It shall be stipulated in all contracts that the net contract prices at which such book or books shall be sold to the Commission, or the designated agents of the Commission in the county and the exchange price to pupils shall not exceed the lowest net contract and exchange prices at which the same book or books are sold under contract with any other State, county, township or school district in the United States under like conditions of sale and distribution.

§ 86.—**Contract to be Prepared by State Superintendent—Approved by Attorney General**—It shall be the duty of the State Superintendent of Public Instruction to prepare and have printed a form of contract between county text book commissions and publishers of school books, said form to be approved by the Attorney General, and to furnish the same, through the County Superintendent, to the several county commissions of the State; and no other form of contract shall be used by such county commissions and publishers in carrying out the provisions of this act.

§ 87.—**State of Kentucky Not Liable**—It shall always be a part of the terms and conditions of every contract made in pursuance of this act that the State of Kentucky shall not be liable to any contractor in any manner for any sum whatever, but all such contractors shall receive their pay and compensation solely and exclusively from the proceeds of the sale of books, as provided for in this act.

§ 88.—**Agents Appointed—Prices of Books—Exchange of Books**—For the distribution and sale of adopted books to patrons, the County Commission shall arrange with at least two responsible merchants or other agents in the county of good financial rating, in locations selected with reference to the convenience of said patrons, and shall appoint the same as agents, and such agents shall sell the books adopted to the patrons and pupils of the common schools at a price not exceeding fifteen per cent. advance on the net contract price of said books, and out of said excess over the net contract price so charged by such agent he shall pay the transportation charges on said books. Said agent shall exchange new books for old ones displaced by said adoption at the exchange price herein provided for during the first year of each and every contract made under the provisions of this act.

§ 89.—**Patrons May Exchange Old Books**—When any patron or pupil of the common schools owning text books adopted for use in said schools in the county of his residence shall remove to another county, he may deliver such books to any agent or dealer in the county from which he has removed and the agent or dealer to whom same shall be delivered shall receive and pay him in money the exchange value of such books. Provided, that only such old books as are whole and in good serviceable condition shall be so purchased by said dealer.

§ 90.—**County Judge to Purchase Second Hand Books**—The county judge in purchasing books for indigent pupils as required by law shall purchase from said dealers said second hand books so far as the same may be suitable for such purpose and furnish same to the County Superintendent for the use of said indigent pupils. Provided, that no agent or dealer of any county commission shall sell any second hand books so purchased, or any second hand book to any pupil or patron or to the county judge as herein provided at a price higher than ten per cent. above the cost of such second hand book.

§ 91.—**Penalty for Unlawful Sale or Extra Charge**—Any agent or dealer, clerk or other person having or selling books adopted under this act, who shall ask or receive for any such book more than the lawful price therefor, as herein defined, or who shall refuse to exchange new books for old at the exchange price herein provided for during said period of exchange, or who shall refuse to

receive from patrons or pupils removed to other counties books owned by them and adopted for use in the common schools of the county of such agent or dealer and to pay to them the exchange value thereof in cash for such old books shall be guilty of a misdemeanor, and on conviction shall be fined in a sum not less than fifty nor more than one hundred dollars.

§ 92.—**State Board of Education to Make Printed List—County Superintendent to Furnish List**—It shall be the duty of the State Board of Education by the first of September of each year to have printed a complete list of all the books adopted under the provisions of this act stating the highest lawful retail and exchange price of each, and to distribute such lists to county superintendents in such quantity as they may request. It shall be the duty of the County Superintendent to furnish such lists attested by his signature, to all dealers and to the principal teachers of all schools in the county, and such dealers and teachers shall post the same conspicuously in their sales rooms or school houses. Failure to comply with the provisions of this section by any of the parties herein named, shall be punishable by a fine of not less than ten nor more than twenty dollars.

§ 93.—**Adopted Texts must be Exclusively Used—Penalty for Violation**—The books adopted by the Commission as the uniform system of text books shall be introduced and used as text books to the exclusion of all others in all the common schools of the county, except as herein provided, for a period of five years from the date of adoption, and it shall not be lawful for any teacher or other school officer to use, or any board of education to permit to be used, any books upon the same branches other than those adopted by the Commission. However, nothing herein shall prevent the use of supplementary books, but such supplementary books shall not be used to the exclusion of the books prescribed under the provisions of this act. Any board of education, trustee or teacher violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction, be punished by a fine of not less than ten nor more than fifty dollars for each offense.

§ 94.—**Publisher Must File Statement with Superintendent of Public Instruction**—Before the publisher of any school text book shall offer the same for sale to any county text book commission in Kentucky, said publisher shall file a copy of the text book in the

office of the State Superintendent of Public Instruction with a sworn statement of the lowest net price at which said book is sold anywhere in the United States, under State, county, township, district or city contract. Said publisher shall file with the State Board of Education a written agreement to furnish said book or books to the designated agents, as hereinbefore provided, or to any county text book commission in Kentucky at the prices so filed, exclusive of transportation charges. Said publisher must further agree to reduce said prices in Kentucky if reductions are made elsewhere in the country, so that at no time may any book be sold in Kentucky by the contractor at a higher price than is received for the same book elsewhere under State or county contract. Said publisher shall further agree that all books offered for sale in Kentucky shall be equal in quality to those deposited in the office of the State Superintendent as regards paper, binding, printing, illustrations and all points that may affect the value of said books.

§ 95.—**Book Adopted must Comply with Sample—Damages on Bond may be Recovered**—If any publisher shall furnish to any county books inferior in any particular to the samples on file in the office of the State Superintendent, or shall offer them at higher prices than those listed with the State Superintendent, it shall become the duty of the County Text Book Commission of said county to inform the State Superintendent of the failure of said publisher to comply with the terms of his contract. The State Superintendent shall thereupon notify the publisher of said complaint, and if said publisher shall disregard the notification and fail immediately to comply with the terms of his contract, then the State Superintendent shall institute legal proceedings to recover damages on the bond of said publisher.

§ 96.—**License Fee of Publisher—Fund to be used for Expenses**—Before the publisher of any school text book shall offer the same for sale to any county text book commission in the State of Kentucky, and at the time of filing such text book in the office of the State Superintendent of Public Instruction, said publisher shall pay into the Treasury of the State of Kentucky a filing fee of five dollars for each book offered by said publisher. A series of books by the same author and upon the same subject shall constitute one book for this purpose. The fees thus received shall constitute a fund out of which, upon requisition made by the State Superintendent, shall

be paid the expenses of publishing lists and other information for the use of the County Text Book Commissions, clerk hire and other necessary expenses in connection with the filing of all text books submitted for adoption in the State of Kentucky. Any balance of such fund remaining upon the first of January of the fifth year following the completion of adoptions shall be placed to the credit of the State School Fund.

§ 97.—**Sworn Statement to be Filed by Publisher**—When any publisher of school text books shall file with the State Superintendent the samples and lists provided for under this act, said publisher at the same time shall be required to file a sworn statement that he has no understanding or agreement of any kind with any other publisher, or interest in the business of any other publisher with the effect, design or intent to control the prices of such books, or to restrict competition in the adoption or sale thereof.

§ 98.—**Agreement to Control Prices—Attorney General to Institute Proceedings**—If, at any time, any publisher shall enter into any understanding, agreement or combination to control the prices or to restrict competition in the adoption or sale of school books, or if the statements required of said publisher in the preceding sections shall be untrue in any respect, then the Attorney General shall institute and prosecute legal proceedings for the forfeiture of the bond of said publisher, and for the revocation of his authority to sell school books in this State, and all contracts made by said publisher under this act, shall thereupon become null and void at the option of the other parties thereto.

§ 99.—**Money for Campaign Purposes—Penalty**—Any person, firm or corporation qualified to sell school books in Kentucky under the provisions of this act, or any agent thereof who shall, directly or indirectly, contribute any money or thing of value to the campaign fund of any political party, or to the campaign fund of any person who is a candidate for office in this State, or in any district or county thereof, or to the campaign fund of any person who is a candidate for nomination for an office, or shall give any money, or valuable property whatsoever to any member of any county text book commission, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one thousand dollars nor more than five thousand dollars in the discretion of the jury, and such act on the part of said person, firm or corporation,

or the agent thereof, shall also be considered a breach of the bond made by said person, firm or corporation with the State, and the venue of action shall be within any county in the State where said act is committed, or in the Franklin Circuit Court; and the State Board of Education, or any one of the county text book commissions, or any member thereof in the county where the offense is committed, shall have the right to prosecute an action for the breach of said bond, and the amount recovered for said breach shall be turned over to the Treasury of Kentucky for the benefit of the State School Fund.

§ 100.—**Bribery—Penalty**—Any member of any county text book commission who shall solicit, accept or receive any money, gift or any property or favor whatsoever from any person qualified to sell text books in Kentucky, or any agent thereof, or other person in any way interested in the sale of such text books shall be deemed guilty of a misdemeanor and upon conviction, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

§ 101.—**Bond to be Filed by Publisher**—To insure compliance with the aforesaid conditions under which school text books may be sold in the State of Kentucky, the publisher shall file with the State Board of Education a bond of not less than two thousand dollars nor more than ten thousand dollars, the amount to be fixed by the State Board of Education upon compliance with the provisions of the preceding sections, and the bond to be approved by said Board. The publisher shall thereupon be qualified to sell school books in this State. Any publisher who shall offer for adoption to any text book commission school text books of any kind without first qualifying therefor under this act, shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than five hundred dollars nor more than five thousand dollars.

§ 102.—**City Schools to Adopt**—The Board of Education in a city of the first, second, third, fourth, fifth or sixth class, shall constitute the Text Book Commission for such city, and as such, its powers, duties, restrictions and penalties shall be identical with those provided by law for county text book commissions; provided that the members of such Board acting as a text book commission shall receive no compensation for their services, and provided

further that if any member of said Board shall be or become ineligible to serve as a member of the Text Book Commission, then the other members of the Board are hereby empowered to fill the vacancy on the Text Book Commission thus created.

§ 103.—The provisions of this law shall also apply to all corporations, firms or individuals concerned in any way in the selection, adoption, sale or use of common school text books in cities of the first four classes.

§ 104.—**Repealing Clause**—All laws and parts of laws in conflict with the provisions of this article are hereby repealed. Provided, however, that the provisions of contract and obligations imposed by law under which the existing State contract for uniform text books was made shall remain in force, and all contractors thereunder shall continue to be held liable under their bond for the faithful performance of said existing contracts until the expiration of the same.

CHAPTER IX.

COUNTY SCHOOL DISTRICT LAW.

§ 105.—**County to Compose School District—Exception**—That each and every county in this Commonwealth shall compose one school district, excepting that where there is a city or town in any county which maintains a separate system of public schools, then the balance of said county, outside of such city or town district, shall constitute a school district. (Ky. Stat. Sec. 4426a.)

§ 106.—**County to be Divided into Educational Divisions—Power to Change Boundaries of Educational Divisions—Graded Schools Exempt—Three Kinds—Per Capita Apportioned each Subdistrict**—That within thirty days after this act goes into effect the county superintendent of schools, the county judge and the county attorney in each county of the Commonwealth shall meet at the courthouse of their respective counties, upon the call of the county superintendent of schools, and shall divide each county school district, as provided for in section 105, into educational divisions containing as nearly as possible an equal number of children of school age, including both white and colored children, as shown by the last census of school children, and in each county the said officers may make, as may seem expedient, either four, six or eight of such educational

divisions and in fixing the boundaries of said educational divisions they shall be made to follow, as nearly as practicable, the boundaries of existing school districts for white children. They shall have the power to change the boundaries of educational divisions whenever such change becomes necessary. The county judge, county superintendent of schools and county attorney shall then sub-divide each of the said educational divisions into school subdistricts following as nearly as practicable the boundaries of existing school districts for white children. Provided, That any graded common school district that may exist in any educational division or that may hereafter be established according to law whether operating under special charter or established by popular vote, as provided for in the laws relating to the graded common schools, and school districts now operating within municipal districts established and corporated under special charter and supplementing the State School Fund by a local tax of not less than twenty cents on each hundred dollars of assessed valuation of property, shall retain their present boundaries and be exempt from the provisions of this act. The provisions of this act shall not apply to any graded school district created by special act and having a school fund other than that provided by general law. The boundaries of any such school subdistrict, as above fixed, shall include all children, both white and colored, residing in said subdistrict, and said subdistrict shall not include, except in cases of emergency, fewer than fifty white children of school age, nor in any case fewer than forty such children. No subdistrict shall be apportioned the per capita of the State fund on fewer than fifty white pupil children, nor shall any subdistrict be apportioned the per capita on more than one hundred white pupil children for the payment of one teacher.

§ 107.—**Electing Trustees**—On the first Saturday in August, after the passage of this act, an election shall be held at the school building in each school subdistrict of this Commonwealth, from the hours of one until five o'clock in the afternoon for the purpose of electing one trustee for each school subdistrict, as fixed by section 106 of this act. The trustees then elected shall hold their offices, one-half for one year and one-half for two years, as shall be determined by lot at the first meeting of the division board, as provided for in sec. 112 of this act. Each year thereafter there shall be elected for two years one trustee in each subdistrict in which the term of

his predecessor in office will then expire. Said trustees shall serve until their successors are duly elected or appointed and qualified as herein provided.

§ 108.—**Who May Vote**—Any person shall be eligible to this office of school trustee who is over twenty-one years of age, and who has been a resident of the subdistrict for which he is elected for sixty days before the election, and who is able to read and write, as shown by a certificate of five reputable citizens of the subdistrict, and all male persons over twenty-one years of age, who shall have resided in a school subdistrict for sixty days next before an election shall have the right to vote at such election.

§ 109.—**By Ballot**—All elections for school trustees shall be by ballot. Said ballot shall contain no emblem nor device of any kind by which it may be identified or known, and the ballot shall be printed and furnished by the county clerk of each county, and paid for out of the county levy. But said ballot shall provide blank spaces whereby such electors may vote for or elect another than those whose names are printed upon said ballot.

§ 110.—**Nominations by Petition—Officers**—All nominations for school trustees shall be by petition, signed by at least ten persons eligible to vote in elections for such trustees, and no name shall be placed upon any ballot unless such nominating petition is filed with the county clerk of the county in which such election is held, at least ten days prior to the date of such election. The officers of said election shall be a clerk and two judges, and shall be appointed by the regular election commissioners in each county and shall receive no compensation for their services. The said officers shall be the judges of the qualifications of each voter as prescribed in this act, and shall certify the returns of the election to the county superintendent of schools within five days after said election.

§ 111.—**Colored Visitors—Election**—At the same time and place and by the election officers who conduct the election for subdistrict trustees, an election shall be held for the purpose of electing a visitor for the colored school or schools of the subdistrict. Such visitor shall be nominated and elected in the same manner as the subdistrict trustee, save that the nominating petition shall be signed by colored voters, and that colored voters alone shall be eligible to vote for such visitor. So far as the colored school or schools of the subdistrict are concerned, the duties of the visitor shall be identical

with those of the subdistrict trustee, save that such visitor shall not be a member of the Division Board. (Section as amended by Acts of 1910.)

§ 112.—**Organization of Board—Vacancies**—The county superintendent of schools shall meet the trustees so elected from the various school subdistricts of each educational division at some point to be designated by him, within such educational division within thirty days after the date of their election, proper notice having been given in writing to each trustee as to the time and place of such meeting for the purpose of organizing the trustees so elected into a division board of school trustees by choosing one of said trustees to be chairman and one to be secretary of said division board. The county superintendent of schools shall be a member of such division board of his county, but shall only vote upon any matter in case of a tie vote, and then he shall cast the deciding vote. Any vacancy that may exist in the trusteeship of any school subdistrict shall be filled by appointment by the division of the educational division of which said subdistrict is a part, and to them petition may be made by the voters of the subdistrict. Should the office of chairman of a division board become vacant the county superintendent, as soon as the election has been held to elect a sub-district trustee as above provided, shall call a meeting of said division board, and shall then proceed to elect another chairman, and until a chairman is so elected, such division board may choose one of its members as a temporary chairman.

§ 113.—**Duty of Trustee—Census**—It shall be the duty of the trustee in each school subdistrict, to personally supervise the school or schools in his subdistrict, and to report the needs thereof to the division board of his educational division at its regular meeting, together with such recommendations as he may deem necessary for the best interest of said school or schools. All such reports and recommendations should be in writing. The Division Board shall refer such reports to the County Board with its recommendations on same. The trustee of each school subdistrict shall, in the month of April of each year, make and return to the county superintendent a complete census of the children of school age residing in his district, and for the performance of all his duties he shall be allowed and paid the sum of five cents per pupil child reported in such census.

§ 114.—**Duty of Division Board—Selection of Teachers—Contracts**—It shall be the duty of the division board of trustees in each educational division to elect one or more teachers for each school in such educational division except as hereinafter provided. A majority of the members of such division board shall be necessary to the election of any teacher for service in any subdistrict. All applications for positions in said schools shall be filed with the secretary of the division board of the educational division in which a school position is sought. The division board in each educational division shall meet for the consideration of applications and the election of teachers on the last Saturday in June following the election of trustees and the organization of the board under this act, and shall meet for the same purpose on the last Saturday in June of each year thereafter. Qualifications of teachers shall be determined as provided by law. Said educational division board may meet on the last Saturday of July and August in each year for the purpose of filling any vacancies which may exist. Said division board may meet at such other times as the chairman may designate. Teachers shall be elected for one school year, but may be removed by the division board of the educational division in which they are employed, at any time, subject to the approval of the county superintendent, for incompetency, neglect of duty or immoral conduct. Contracts for the service of all teachers shall be in writing, signed in duplicate by the teacher and by the chairman and secretary of the division board of the division in which the teacher is employed. Upon organization of said board, one of the members shall be chosen as secretary, who shall keep a correct record of all proceedings, which shall be a public record.

§ 115.—**County Board of Education**—The chairman of the several educational division boards in each county, together with the county superintendent of schools, who shall be chairman ex-officio, shall constitute the county board of education.

§ 116.—**County High School—Power of County Board—Three Classes**—Within two years after the passage and approval of this act, there shall be established by the county board of education of each county one or more county high schools: Provided, There is not already existing in the county a high school of the first class; if such high school already exists, and if the county board may be able to make such an arrangement with the trustees or board of educa-

tion of said high school as will furnish to the pupils completing the rural school course free tuition in said high school, then said high school may be considered as meeting the purpose of this law without the establishment by the board of another high school. The county board of education in the various counties shall have full power and authority to unite with the governing authorities of any city or town in their respective counties for the purpose of establishing a high school for the joint use of the city or town and such county, and to unite with such authorities for the purpose of maintaining such high school if one be already in existence. For this purpose said county boards are hereby given full power and authority to make such contracts as they may deem necessary or proper for the establishment and maintenance of such high schools for the joint use of the county and such city or town. Said contract shall be in writing and shall contain full and complete stipulations as to employment, compensation of teachers, courses of study, payment of the expenses of the school and the control and discipline of the pupils. The first county high school to be established in the county shall be located at the county seat, provided there is not already existing in the county seat a high school of the required grade. The county high schools of this Commonwealth shall be of the first, second and third class. A first class high school shall maintain a four years' course of study, which shall be prepared by the State Board of Education. Such course of study may provide for instruction in manual training, domestic science and elementary agriculture. High schools of the second class shall maintain a course of three years, identical with the first three years of the first class high school. High schools of the third class shall maintain a course of two years identical with the first two years of the first class high school.

§ 117.—**County to Levy Tax—Special Bond of County Superintendent**—It shall be the further duty of the county board of education to estimate and lay before the fiscal court of the county the educational needs of the county in accordance with such estimate, and said county shall levy a tax for school purposes, not to exceed twenty cents on each hundred dollars of assessed valuation of property in the county, and a capitation tax not exceeding one dollar, and the sheriff shall then collect this tax as other State and county taxes are collected: Provided, No tax for school purposes shall be

levied under this act upon property in cities and towns maintaining a first class system of public schools in which all grades are already taught to the satisfaction of the State Board of Education, and upon property in school districts which are made exempt as provided for in section 106 of this act. When the tax so levied shall have been collected by the sheriff of the county, he shall turn over to the county superintendent, who shall act as treasurer of the county board of education, the amount of money so levied and collected, and the county board shall expend the money so received in the building, improvement and equipment of school houses, for the purchase and condemnation of necessary real estate, for the payment of teachers, purchasing necessary supplies and the extension of the school term in the various subdistricts throughout the county, as in their judgment as a county board the needs of the individual schools for white and colored pupils demand. The county superintendent shall give such special bond as may be approved by the county court. No fund shall be paid out except on the order of the county board, signed by the chairman and countersigned by the secretary.

§ 118.—**Local Tax Additional may Vote Subdistrict**—Upon the petition of ten legal voters of any school subdistrict, the board of education of any division shall submit to the legal voters of said subdistrict the question whether or not a tax shall be levied upon the taxable property in such subdistrict in any school year for local school purposes; an ad valorem tax may be so voted not to exceed twenty-five cents on each one hundred dollars of taxable property. Such questions shall be voted on at the regular school election held, as provided by this act, on the first Saturday in August. At least fifteen days notice that such question will be voted on at any school election shall be given by written or printed handbills, posted up in at least five of the most public places in such district. The returns of said election shall be made to the chairman of the division board of education and said board shall meet within seven days after such an election and canvass the returns, and if it be ascertained that a majority vote in such district was cast in favor of such tax, said board shall, on its minute book, enter an order levying such tax in such subdistrict, and it shall be the duty of the sheriff of the county on his official bond to collect such tax and hold the same subject to the order of the county board of education for the benefit of the subdistrict voting such tax, and said sheriff shall receive the same com-

pensation therefor as for collecting State and county revenue.

§ 119.—**To Establish new Subdistricts**—The county board of education shall have full power, when necessary, to lay off or establish new school subdistricts, or to change the boundaries of those already established.

§ 120.—**Purchase, Lease or Rent Sites—Receive Gifts**—The county board of education shall have the power to purchase, lease or rent school sites, to build, to repair and to rent school houses, purchase maps, globes, charts, school furniture, or other apparatus necessary to the efficient conduct of the schools of the county, and said county board is hereby vested with the title, care and custody, of all school houses, sites, or other property belonging to the districts of their several counties, and when, in the opinion of the board, any site for school house has become unnecessary, they may sell and convey the same in the name of the county board of education. It shall have the power to receive any gift, grant or donation for the use of the schools within their respective counties, and all conveyances of real estate which shall be made to said county board of education shall vest the property in said board and their successors in office for the use and benefits of the schools of the county. It shall have the power to condemn any real estate necessary for school purposes in any district and may proceed to do so in the manner provided for by law for the condemnation of lands for railroad purposes.

§ 121.—**County Board Body Politic**—The county board of education and their successors shall be a body politic and corporate, with perpetual succession and as such may sue and be sued.

§ 122.—**Superintendent to Keep Public Account**—The county superintendent shall keep an exact account of all receipts and disbursements and shall report the same in detail to the county board as often as they may require and annually to the fiscal court of the county on the date specified by that court for receiving said report. The books and records of the county board shall be open for the inspection of any citizen of the county.

§ 123.—**Salaries of Teachers—Course of Study**—When county high schools shall be established, as provided in this act, it shall be the duty of the county board of education to employ and fix the salaries of said teachers necessary to the efficient conduct of said high school and prescribe the course of study to be pursued, but

said course of study shall not be below the standard fixed by the State Board of Education as provided in section 116. Said board shall also have the right to select the text books to be used in said high schools.

§ 124.—**Time Boards Shall Meet—Compensation**—The county board of education shall meet at a place designated by the county superintendent for the transaction of such business as shall properly come before it under this law, on the first Saturday in September, following the enactment of this law, and shall meet at the call of the county superintendent, who is chairman of the county board, at such other times as he may direct. The county superintendent shall call the county board upon the written request of three members. Each member of the county board shall receive three dollars for each days' service, but no member shall be paid for more than twelve days' service in any one year, whether in actual attendance upon the meetings of the county board or in inspecting the schools and school property of his division in company with the county superintendent.

§ 125.—**Duty of Division Chairman to Report**—It shall be the duty of each division chairman or member of the county board of education to report in writing the exact status of the educational affairs of his educational division to the county board for consideration at least twice each year, and at such other times as the chairman of the county board may require.

§ 126.—**Consolidation of Subdistricts—Officers not to be Financially Interested**—The county board of any county shall have power to consolidate with reference to the needs of either white or colored children, any two or more contiguous school subdistricts, and in case of such consolidation school houses shall be built or acquired, located at some point convenient to the patrons of such consolidated school subdistricts, and of sufficient capacity to accommodate the pupil population of such consolidated school subdistricts, and such schools shall be called and known as consolidated schools. Teachers for such consolidated schools shall be employed in the same manner as teachers for school subdistricts. No trustee nor member of the county board of education nor county school superintendent shall be financially interested, directly or indirectly, in any contract for the purchase of land, the erection or repairs of any school house, the furnishing of supplies or equipment, or the employment of any

teacher; and any of said officers so offending shall be guilty of an indictable misdemeanor and on conviction shall be fined not exceeding five hundred dollars, or imprisonment in the county jail not exceeding six months, and shall forfeit his office.

§ 127.—**Repealing Clause**—All laws and parts of laws, in conflict with this act, are hereby repealed. (Ky. Stat. Sec. 4426a.)

CHAPTER X.

GRADED COMMON SCHOOLS.

§ 128.—**Election to Establish—Petition for—Limit of Tax—Boundary—New Boundary**—It shall be the duty of the county judge in each county of this Commonwealth, upon a written petition signed by at least ten legal voters, who are taxpayers in the justice's district, town or city of the fifth or sixth classes in his county to make an order on his order book, at the next regular term of his court after he receives said petiton, fixing the boundary of any proposed graded common school district, as agreed on by the county judge and the petitioners, and directing the sheriff or other officer, whose duty it may be to hold the election, to open a poll in said proposed graded common school district, at the next regular State, town or city election to be held therein, or on any other day fixed by said judge in said order, not in either case earlier than forty days from the date of said order, for the purpose of taking the sense of the legal white voters in said proposed graded common school district upon the proposition whether or not they will vote an annual tax, in any sum named in said order, not exceeding fifty cents on each one hundred dollars of property assessed in said proposed graded common school district, town or city, belonging to said white voters or corporations, or a poll tax in any sum named in said order, not exceeding one dollar and fifty cents per capita on each white male inhabitant over twenty-one years of age residing in said proposed graded common school district, or both an ad valorem and a poll tax, if so stated in the order, for the purpose of maintaining a graded common school in said proposed graded common school district, and for erecting, purchasing or repairing suitable buildings therefor if necessary. Provided, That the proposition to establish any graded common school district and school, as provided for in

this section, is approved in writing on the petition to the county judge by a majority of the trustees of any common school district, included wholly or partly within the boundary of said proposed graded common school district, and approved in writing on said petition by the county superintendent of common schools; that no point on the boundary of any proposed graded common school district be more than two and one-half miles from the site of its proposed school house, and that the location and site of said school house in said district are set out with exactness in said petiton to the county judge. If at any time, two years having intervened since such graded common school district was established, it becomes desirable to change the boundary of the same, it shall be the duty of the county judge, upon a written petition signed by the person or persons desiring to be changed, who are, under this law, legal voters in the school district or districts in which they reside and who at the same time own the real estate sought to be transfered, to make an order on his order-book at the next regular term of this court after receiving said petition fixing the new boundary of the said graded or common school district as agreed on by the county judge and the petitioners. Such petition, to be valid, shall set out in full the new boundary of said district, which shall be recorded as in case of the original boundary, and a copy of same shall be furnished the Board of Education of said graded common school district; but no such change shall be made unless said petition be approved in writing by a majority of the Board of Education of each district concerned, as well as by the county superintendent. The provisions of this act, under like conditions and restrictions, touching change of boundary, shall apply equally to changes in boundary of districts heretofore established by local or special law, which incorporates any city, town or village as one district, as described in Ky. Stat. section 4433. (Ky. St. Sec. 4464 as amended by act of May 26, 1897.)

§ 129.—**Conditions for Establishing a Graded School District Uniting with Schools of Adjacent Counties—Amount Tax Voted—Two and Half Mile Limit—May Change Boundaries**—It shall be the duty of the county judge in each county of this Commonwealth, upon written petition signed by at least ten legal voters who are taxpayers in the school districts of his county, and who desire to unite with school districts of an adjacent county, for the purpose of establishing a graded school, to make an order on the order book

at the next regular term of this court after he receives said petition, fixing the boundary of any proposed graded common school district, as agreed on by the county judges and petitioners of the counties, out of which said school district is to be joined, and directing the sheriff or other officer of each county, whose duty it may be to hold the election, to open a poll in said proposed graded common school district on some day fixed by said Judges in said order, for the purpose of taking the sense of the legal white voters in said proposed graded common school district upon the proposition whether or not they will vote an annual tax, in any sum named in said order, not exceeding fifty cents on each one hundred dollars of property assessed in said proposed graded common school district belonging to said white voters or corporations, or a poll tax in any sum named in said order, not exceeding one dollar and fifty cents per capita on each white male inhabitant over twenty-one years of age residing in said proposed graded common school district, or both an ad valorem and a poll tax, if so stated in the order, for the purpose of maintaining a graded common school in said proposed graded common school district, and for erecting, purchasing or repairing suitable buildings therefor, if necessary: Provided, The proposition to establish any graded common school district and school as provided for in this section, is approved in writing on the petition to the county judges of each county represented by a majority of the trustees of any common school district, included wholly or partly within that portion of the said proposed graded common school district, which is included in his county, and approved in writing on said petition by the county superintendent of common schools in each county; that no point on the boundary of any proposed graded common school district be more than two and one-half miles from the site of its proposed school house, and that the location and site of said school house in said district are set out with exactness in said petition to the county judges of the counties concerned. If, at any time, two years having intervened since such graded common school district was established, it becomes desirable to change the boundary of same, it shall be the duty of the county judges concerned, upon a written petition signed by the person or persons desiring to be changed, who are, under this law, legal voters in the school district or districts in which they reside, and who at the same time own the real estate sought to be transferred, to make an order on their respective order

books at the next regular term of their court after receiving said petition fixing the new boundary of the said graded or common school district, as agreed on by the county judges and the petitioners. Such petition, to be valid, shall set out in full the new boundary of said district, which shall be recorded as in case of the original boundary, and a copy of same shall be furnished the Board of Education of said graded common school district, but no such change shall be made unless said petition be approved in writing by a majority of the Board of Education of each district concerned, as well as by the county superintendent. If it shall appear that a majority of the votes cast at the said election were in favor of said tax, then it shall be the duty of the county judge, representing the largest division of said district, to cause the certificate of the Examining Board, showing the amount of tax voted, and the names of the six trustees elected, to be entered of record in the order book of his court, and to give a copy thereof to the county superintendent, who, in connection with the trustees, shall organize a graded common school in said district in accordance with the provisions of this law. The district so established shall belong to the county in which the largest division lies, and all laws now in force for the governing of graded common schools, and not in conflict with the above shall apply to graded common school districts established under this act. (Ky. Stat. Sec. 4464a.)

§ 130.—**Duty of County Clerk**—It shall be the duty of the county clerk to give to said sheriff or other officer a certified copy of the order of the judge of the county court, as it appears in his order book, within ten days after said order is made. (Ky. Stat. Sec. 4465.)

§ 131.—**Duty of Sheriff or Other Officer who may Hold Election**—It shall be the duty of said sheriff or other officer to have the order of the county judge published in some weekly or daily newspaper published in the county for at least twenty days before the election, and also to advertise the same by printed or written handbills, posted at five conspicuous places in said proposed graded common school district for the same length of time; but if there be no daily or weekly newspaper published in the county, the printed or written handbills, posted as before provided, shall be sufficient notice. The said sheriff or other officer shall have the advertisement inserted, and notices herein provided for posted, within ten

days after he receives the order of the county judge and at least twenty days before the election. (Ky. Stat. Sec. 4466.)

§ 132.—**Manner and Object of the Election**—The said sheriff or other officer shall appoint a judge and a clerk of the said election, who shall take and subscribe to an oath for the faithful performance of his duties. On the day set apart for the election, the officers shall open a poll, and shall propound to each voter who may vote the question, "Are you for or against the graded common school tax?" and his vote shall be recorded for or against the same as he may direct. (Ky. Stat. Sec. 4467.)

§ 133.—**If Tax Voted, Duty of County Judge, County Superintendent and Trustees**—If it shall appear that a majority of the votes cast at the said election were in favor of said tax then it shall be the duty of the county judge to cause the certificate of the examining board showing the amount of tax voted, and the names of the five trustees elected, to be entered of record in the order-book of his court, and to give a copy thereof to the county superintendent, who, in connection with the trustees, shall organize a graded common school in said district in accordance with the provisions of this law. (Ky. Stat. Sec. 4468.)

§ 134.—**Board of Trustees**—The graded common school districts, when organized as aforesaid, are hereby incorporated, and each of them shall be under the management and control of a board of five trustees. The first board to be elected at the same time and place, and by the same persons who vote at the election for the tax, as provided in sections 129 and 132. (Ky. Stat. Sec. 4464 and 4467) of this law; and the five persons receiving the highest number of votes cast shall be declared elected trustees. (Ky. Stat. Sec. 4469. As amended by Chap. 37, Acts of 1904.)

§ 135.—**Style, Province and Power Board of Trustees**—The persons so elected shall be named and styled "The Board of Trustees of the ————————Graded Common School District," and in that name may sue and be sued, contract and be contracted with, and as a natural person may acquire, hold, dispose of and convey, by purchase, gift, devise or otherwise, any real or personal estate, goods and chattels, necessary and convenient for the uses and purposes of such graded common school; and the title to all such property shall vest in said board of trustees and their successors in office, to be held sacred for the use and benefit of said graded common

school district. (Ky. Stat. Sec. 4470.)

§ 136.—**Classification of Trustees—Regular Election of—Vacancy, How Filled**—Hereafter the board of trustees of a graded common school shall consist of five members: Provided, That the present members of any board may serve until the expiration of their respective terms. At the next regular election of trustees, and thereafter every third year, there shall be elected but one member of said board except that vacancies occurring in said board may be filled at any regular election for trustees. (Ky. Stat. Sec. 4469a.)

§ 137.—**Official Oath Required of Trustees**—Said trustees, before entering upon the discharge of their duties, shall each take an oath faithfully to perform the duties required of them under this law. (Ky. Stat. Sec. 4472.)

§ 138.—**By-Laws and Rules—Journals and Proceedings**—Said trustees may adopt such by-laws and rules for the government of themselves and their appointees and for the control, government and management of graded common schools in their respective districts, as they may deem necessary, not in conflict with law, and shall keep a journal of their proceedings, which shall be open at all times to the inspection of any citizen of the graded common school district in which he or she may reside. (Ky. Stat. Sec. 4473.)

§ 139.—**Appointment and Qualification of Teachers—Course of Study**—Said trustees shall appoint and employ a principal and all teachers, and fix their compensation, and may suspend or dismiss them, or any other person appointed or employed by them; may prescribe the branches (other than those required by law to be taught in the common schools) which may be taught in said graded common schools, and prescribe the necessary qualifications, and the mode of examination of applicants for positions as superintendent, principals, or teachers in said graded common schools; but no person shall be appointed or employed as superintendent, principal or teacher in any graded common school organized under the provisions of this law who is not a person of good moral character, and who has not a county certificate, as required by the common school law of Kentucky. Each teacher in a graded common school, except in cities of the first, second, third and fourth classes, shall be required to keep a register as prescribed for teachers of other common schools, which register shall be left with the president of the board of trustees, who shall be responsible for it, and return it to the

teacher at the opening of the next school term. From the registers in the hands of the several teachers in the graded common school, and the record kept by the board of trustees, the principal teacher and the president of the board of trustees shall, within ten days after the close of the school, make a report to the county superintendent, being provided with blanks therefor by the superintendent. (Ky. Stat. Sec. 4474.)

§ 140.—**Secretary of City School Board Must Report**—It shall be the duty of each secretary of the board of trustees of schools, maintained wholly or in part by the State, in cities of the first, second, third and fourth classes, to report annually, on or before the first of September, to the Superintendent of Public Instruction, such facts as will enable him, in his reports to the General Assembly, to give the important school statistics of such cities in connection with those of the county in which they are situated. The secretary shall be supplied by the Superintendent of Public Instruction with blanks therefor. (Ky. Stat. Sec. 4475.)

§ 141.—**President and Secretary of Board**—The said trustees shall elect one of their number president, who shall preside at their meetings, and perform such other duties as may be required of him, and they may elect a secretary and prescribe his duties. The president and secretary, or either of them, shall make such reports to the county superintendent as are required of common school trustees, and shall publish annually such information as will show the financial condition of the graded common school district, and such other facts as they may deem beneficial to the cause of education in their respective districts. (Ky. Stat. Sec. 4476.)

§ 142.—**Free Tuition to Resident White Pupil Children**—All white children within the common school age residing in any graded common school district shall have the right of free admission to the graded common school thereof. (Ky. Stat. Sec. 4477.)

§ 143.—**Terms of Admission of Other Pupils**—The trustees may admit into said graded common school children who do not reside within the said district, or persons over the common school age, on such terms and conditions, and upon the payment of such tuition and other fees as they may deem proper. (Ky. Stat. Sec. 4478.)

§ 144.—**Treasurer, His Duties and Responsibilities**—The said board of trustees shall appoint a treasurer for said graded common school district, who, before entering upon the duties of his office

shall, in the county court, execute bond, with sureties approved by the court, payable to the Commonwealth of Kentucky, for the use and benefit of the trustees of said graded common school district, conditioned for the faithful performance of his duties under this article. All funds arising from the sale of bonds under this law, and all funds collected for the purpose of defraying the annual expenses of said schools, and for the payment of the principal and interest of said bonds, or for any other purposes, shall go into the hands of said treasurer, who shall, together with his sureties, be responsible therefor. Said treasurer shall pay out said funds only for the purposes for which they were respectively collected, upon the written order of the president and secretary of said board of trustees. The board of trustees shall pay its treasurer such sum for his services as shall be reasonable and just. (Ky. Stat. Sec. 4479.)

§ 145.—**Payment of Pro Rata of the State and the County Funds**—The county sueprintendent of common schools shall, annually, pay to the treasurer of any graded common school district that may be organized and operating in his county, in conformity with this article, the pro rata portion of the State and county fund due the said district, according to the number of pupil children therein, as soon as the same shall come into his hands; or, if desired by the trustees, he may pay in January the full amount due said district. (Ky. Stat. Sec. 4480.)

§ 146.—**Provisions of Grounds and Buildings—Issuance of Bonds—Sinking Fund**—Said board of trustees shall provide funds for purchasing suitable grounds and buildings, or for erecting or repairing suitable buildings, and for other expenses needful in conducting a good graded common school in their graded common school district; and to this end they may use such part of the proceeds of the said tax as they deem necessary, and it shall be the duty of said board of trustees, and if, in their opinion, it be necessary, and they are hereby authorized and empowered to order an election and submit to the voters of their respective graded common school districts the question whether or not the trustees thereof shall issue bonds of their respective graded common school districts, in any amount not exceeding the limit provided by section (157) one hundred and fifty-seven and (158) one hundred and fifty-eight of the present Constitution of this State, for the purpose of providing suitable grounds, school buildings, furniture and apparatus for their

respective graded common school districts: Provided, That due notice of said election shall be given by the trustees of their respective districts, by written or printed posters not less than one foot square, signed by the trustees of their respective districts, stating the time, place and hours of said election, posted at no less than six public, conspicuous places in the district for ten days previous to the day of the election, and by one insertion thereof in the newspaper, if any, published in said district. The board shall appoint two judges, a clerk and a sheriff to hold said election, who shall be first duly sworn before acting, and shall be housekeepers and taxpayers, resident in the district for which they are appointed, and one of the judges shall ask of each voter: "Are you in favor of the issue of bonds by the trustees of the graded common schools of this district, for the purpose of providing suitable grounds, school buildings, furniture and apparatus for this district?" and the clerk shall record the answer, "Yes" or "No," as given by the voter. If two-thirds of the voters voting at said election vote in favor of the issue of the bonds, then the trustees of such graded common school district may issue the bonds of said district for an amount not exceeding the constitutional limit and in conformity with the Constitution of this State. And, for the purpose of meeting the interest on such bonds and creating a sinking fund for the payment of the principal thereof, and the boards of trustees of their respective districts, where the issue of such bond is voted, are authorized and empowered to levy annually a tax in addition to that already voted, which shall not increase the tax rate for school purposes in their respective districts to more than seventy-five cents on each $100 worth of taxable property within the district. The said bonds may be of any denomination, in even hundreds, not exceeding $1,000 each, running, not exceeding thirty years, and bearing interest at a rate not exceeding six per cent. per annum, payable annually or semi-annually, as expressed in said bonds, payable to bearer, with interest coupons attached. They shall be signed by the president of said board of trustees and attested by the secretary thereof, shall pass by delivery, and shall be redeemable at the option of said board. Said bonds shall be sold by the trustees, or their authorized agent, for the highest price obtainable, but not for less than their face par value and accrued interest, and the proceeds paid over to the treasurer and

applied to the uses and purposes contemplated in this law. (Ky. Stat. Sec. 4481.)

§ 147.—**Provisions of Section 4481 Applied to all Districts**—All the rights and powers as to issuing bonds and levying of taxes to pay the principal and interest of same mentioned in section 126 as amended by the act of the General Assembly, approved March twelfth, one thousand eight hundred and ninety-six. Acts 1896, chapter 4, and for the purpose therein mentioned, are hereby applied to and conferred upon all graded common schools, maintained by any city of the fifth or sixth class, or any town or school district organized by virtue of a special act of the General Assembly. The election to take the sense of the voters as to issuing of said bonds and levying said taxes to be held by the board of trustees as provided in said act of one thousand eight hundred and ninety-six. (This section is an act of March 21, 1902.) (Ky. Stat. Sec. 4481a.)

§ 148.—**Levy of Annual Property Tax and Capitation Tax—Provisions for Sinking Fund**—The board of trustees of any graded common school district where the tax has been voted shall cause to be levied and collected an annual ad valorem tax, in any sum not exceeding the amount voted for in said district under the provisions of this law, upon each one hundred dollars worth of property of every kind and character, having value and owned by any white person, company or corporation, subject to taxation within the limits of said graded common school district; or shall cause to be levied annually a poll tax in any sum not exceeding the amount voted in said district under this law, on each white male citizen residing within the limits of any graded common school district, over twenty-one years of age, or both an ad valorem and a poll tax, if so voted at the said election: Provided, No levy shall be made under the provisions of this law later than the close of the fiscal year in which the last county assessment shall have been made. The board of trustees shall, out of collections under each levy, by order, set apart out of the collection of each levy a sufficient amount to pay interest for the year on any bond issued, and the treasurer shall pay same; and, in addition, shall, out of the several levies, until entire payment of such bonds, set aside a sufficient amount as a sinking fund, when aggregated, to meet the principal of the bonds at maturity, which sinking fund shall be kept loaned, with ample security, or profitably invested, and shall be used for no

other purpose than the payment of principal of such bonds. But if the board so order, the sinking fund, or any part thereof, may be used in the purchase of such bonds before maturity, except a sufficiency to pay interest on the outstanding bonds. (Ky. Stat. Sec. 4482.)

§ 149.—**Assessment, Collection, etc., Governed by Section 4443, Ky. Statute**—The assessment of property, the collection of taxes, powers and duties of trustees and other officers in graded common school districts, shall be governed by section 4443. (Ky. Stat. Sec. 4483.)

§ 150.—**Title to all Common School Property Vested in—Board of Trustees**—The title to all common school and all county seminary property in the limits of any graded common school district, organized under the provisions of this law, shall be, and the same is hereby, vested in the board of trustees of said graded common school district, and they are hereby authorized and empowered to sell and convey the same, or to use the same for graded common school purposes, as to them shall seem best; but when county seminary property shall be appropriated, all pupils of the county shall be permitted to attend such school at such reduced tuition from what is ordinary as shall be equitable, and make good to them their interest in said seminary property. It is further provided that when any graded school district shall embrace any school property owned or held in trust by trustees, said trustees, by a majority vote of their board, are hereby authorized and empowered to convey their school property to the trustees of the graded school at such price and on such conditions as may be agreed upon by the trustees of both parties. (Ky. Stat. Sec. 4484.)

§ 151.—**When Trustees Appoint Officers of Election—Their Duties**—After the first election provided for in this law, shall have been held, the tax voted, trustees elected, and the graded common school organized, the board of trustees shall appoint the officers to hold all other elections, which officers shall take an oath to be under the same responsibilities and subject to the same penalties as the officers holding State or county elections, only they shall make returns of poll-books, and certify the result of the elections to the board of trustees, who shall examine and compare the same, and issue certificates to the persons found to be elected. (Ky. Stat. Sec. 4485.)

§ 152.—**Proposition Failing, a Vote may be had again in Two Years**—If it be found that a majority of the votes cast upon the said proposition in the election provided for in section 128, (4464 Ky. Stat.) to be cast against said tax, then the said tax shall not be levied or collected. But the question of voting the said tax may, after the expiration of two years from the first or any subsequent vote, be again submitted to the legal voters of said district upon the conditions and in the manner prescribed for the first vote. (Ky. Stat. Sec. 4486.)

§ 153.—**Colored Graded Free Schools**—The provisions of this law shall apply to such graded common school districts as may be applied for and organized by the colored people of this Commonwealth, and such districts and graded schools may be organized by them, in all cases, the same as the white districts herein provided for are organized. In that case the word "colored" is to be substituted for the word "white" whenever it has occurred heretofore in this law. No white person shall vote at any election held by the colored people under the provisions of this law; nor shall the property of any white person be taxed to maintain any graded common school for colored children; nor shall the property of a colored person be taxed for the benefit of any graded common school for white children; nor shall any white child attend any graded common school for colored children organized under the provisions of this law; nor shall any colored child attend any graded common school for white children. (Ky. Stat. Sec. 4487.)

§ 154.—**Fifth and Sixth Class Cities, or School Organized by Special Act, May Accept Provisions, etc.**—The provisions of this article shall not affect or in any way interfere with any graded common school or schools maintained by any city of the fifty or sixth class, or any town or school district organized by virtue of a special act of the General Assembly, unless the said city, town or district shall, by a majority vote, endorsed by the recorded action of the board of trustees, accept the provisions of this article for the government of the said school or schools in any election held under the written order of the county judge, or the mayor of said city, in the manner and under the restrictions of sections 128, 129, and 130, in which election nothing but the matter of such acceptance shall be determined; and the only question propounded to each voter shall be: "Are you in favor of accepting the provisions of the general

graded common school law?" In the event of such majority vote in favor of accepting the said provisions, and an endorsement by the board of trustees, the graded common school or schools of the said city, town or district, shall thereafter be governed by and subject to all the preceding provisions for graded common schools. (Ky. Stat. Sec. 4488.)

§ 155.—**First, Second, Third and Fourth Class Cities—Provisions**—The provisions of this article shall not affect, or in any way interfere with, any system of graded common schools established and maintained by any city of the first, second, third or fourth class, by virtue of a general or special act of the General Assembly. Any city of the first, second, third or fourth class may accept the provisions of this law, and establish graded common schools, subject to all the provisions thereof, except as especially hereinafter provided in this section, by a majority vote, indorsed by the recorded action of the board of trustees, at an election held in the manner prescribed in section 128. In the event of a majority vote in favor of accepting the said provisions, and an indorsement by the board of trustees, the following provisions shall apply to the graded common schools of such city of the first, second, third or fourth class instead of the corresponding provisions in the preceding section of this article: (1.) An order for the holding of an election, as first provided in section 128, may be made by the mayor, and the said mayor shall, in such case, perform all the duties required of the county judge in carrying into effect the provisions of the law; the number of petitioners shall be one hundred instead of ten; the election shall be held by the officer whose duty it is to hold other city elections; the approval of the county superintendent shall not be required in the petition; and the location and site of any proposed school house shall not be required to be set out in the said petition. (2.) The maximum limit for the cost of any school building shall be one hundred thousand dollars ($100,000), instead of fifteen thousand dollars ($15,000). (3.) The number, name and style of the board of trustees shall be determined by themselves instead of the number limited to five; but the number of trustees in no case shall exceed one more than the number of wards in the city. (4.) The length of the term, the order of retirement, the date of election of trustees, may be fixed by the charter of said city, but the term of office shall in no case exceed four years. (5.) Principals and teachers shall

not be required to hold county certificates. (6.) The president of the board of trustees may be elected from the city-at-large, if the said board shall so determine. (7.) The Superintendent of Public Instruction shall pay directly to the treasurer of the city graded common schools the pro rata portion of school funds due said city from the State. (8.) The aggregate amount of the outstanding bonds issued by the board of trustees shall not, at any given time, exceed 2 per cent. of the taxable property of the city, instead of the bonds so issued being limited in amount to fifteen thousand dollars ($15,000). (9.) The assessment of property made by the city assessor, and equalized according to law, shall be made the basis for collection of city taxes for school purposes of every kind, and the said taxes shall be collected by the city collector at the time of collecting other city taxes, and he shall be responsible on his official bond for the same. (Ky. Stat. Sec. 4489.)

§ 156.—**Tax to Complete Buildings and Pay Old Debt**—The board of trustees of graded schools maintained by taxation, and designed for the education of children residing within certain boundaries, may, in case where the tax now imposed in such districts is not sufficient to pay for the school buildings which have heretofore been completed but not paid for, issue bonds of such districts for an amount equal to the sum due for completing the school buildings, and impose annually a tax of not exceeding twenty-five cents on each $100 worth of property in the district, in addition to the tax now imposed in such districts, to pay the bonds so issued and the interest thereon; and the foregoing provisions shall apply as well to like schools under the authority and management of a board of education or other authority of a district, town or city; and in cases where bonds were issued prior to the adoption of the present Constitution, by authority of special laws, and have matured without being paid, the board of trustees, board of education or other authority of a town, city or district, may issue the bonds of the district, town or city to an amount equal to the sum still due and unpaid, under the conditions and restrictions herein imposed. (Ky. Stat., Sec. 4490.)

§ 157.—**Interest on Bonds Limited**—The bonds so issued shall bear not exceeding six per cent. interest per annum, and shall be issued by a majority of the trustees, and in such manner as they may deem best, and shall be payable at such times and at such

places and in such amounts as they may determine; and the tax to pay the bonds and interest shall be imposed by an order signed by a majority of the trustees, specifying the annual tax to be imposed. (Ky. Stat., Sec. 4491.)

§ 158.—**Assessment and Collection Governed by Sec. 4443 Ky. Statute**—The tax imposed shall be paid on the assessed value of the property in the district as ascertained by the assessment made for State and county purposes next preceding the collection of the tax, and shall be collected in the same manner as is provided for the collection of district taxes by section 4443, Kentucky Statutes, and the same penalties shall be added for failure to pay the same; and the same compensation shall be paid for its collection as is paid for collecting State revenue. (Ky. Stat., Sec. 4492.)

§ 159.—**Tax to Pay Bonds and Interest—When Levied**—The board of trustees shall annually, on the second Monday in May, impose the tax, and when paid the treasurer of the board shall at once apply the same to the payment of the bonds and interest as required by the board. When the bonds and interest are paid the tax shall not be levied or collected, nor shall the trustees, or any of them, receive any compensation for their services under this law. (Ky. Stat., Sec. 4493.)

§ 160.—**Who to Sign Bonds—Settlement of Accounts**—The bonds herein provided for shall be signed by the chairman of the board of trustees of the graded school and countersigned by the secretary. The collecting officer and the treasurer of the board of trustees shall settle their accounts with the board on or before the first Monday in January each year, and the board may require them to state their accounts as often as once every three months. (Ky. Stat., Sec. 4494.)

§ 161.—**Limits May be Extended—Disposition of Property in Annexed Territory—When Change to Take Effect—Power of Trustees**—Any graded common school district organized and existing under any special act of the Legislature, and any such district that has been or may be hereafter organized under the general laws of this State, may, by and with the written consent of a majority of the legal voters in the territory to be added, extend the limits of such district so as to include such additional territory as the Board of Education or trustees of such district, may desire to take within the limits and add to such district. (Acts of 1906.) Whenever any

additional territory shall be added to any graded common school district as provided by section 161 of this act, the school superintendent of the county shall make such changes in the common school district or districts affected thereby as he may deem proper to accommodate the pupils of such common school districts. If the territory added to any graded common school district as provided by this act, shall include any common school house and grounds, the title thereto shall vest in the Board of Education, or trustees of such graded common school district, who shall have the right to either utilize the same for school purposes, or sell and convey same at such price as they may determine, and use the proceeds for school purposes in said district: Provided, however, If the taking of such school house and grounds into such graded common school district shall necessitate the building of another house for any common school district affected by taking the same, the graded common school district taking such property shall pay to the common school district in which such new house is to be built the proportion of the value of the house and grounds taken, as the pupils left in the common school district affected bear to the whole number of pupils in such district at the time such change is made. Whenever a change shall be made in the boundary of any graded common school district as provided by this act, the Board of Education or trustees of such district shall have the right to fix a date after such change shall have been determined upon when such change shall take effect, and until that time the government of the schools affected thereby shall remain the same as before, and in the meantime such boards of education or trustees and the county school superintendent shall have the right to make all necessary provision for the accommodation of the pupils who will be affected by such change at the time it takes effect. (Acts of 1906.) (Ky. Stat., Sec. 4464b.)

CHAPTER XI.

TEACHER'S INSTITUTE.

§ 162.—**Organization—Object—Time—Programme and Syllabus—Penalty**—It shall be the duty of each county superintendent to organize, and cause to be held annually, a teacher's institute for the normal instruction, improvement and better qualification of the

teachers in his county. The institute shall occupy not less than five nor more than ten days, and shall be held between the first day of July and the first day of November. The Superintendent of Public Instruction and the two professional members of the State Board of Examiners shall constitute a committee on programme to prepare and place in the hands of each county superintendent, not later than June first of each year, a programme of the work of the institute, and a syllabus of each subject of instruction. The programme and syllabus shall be furnished each member of the institute, and shall be faithfully and efficiently carried out. Any county superintendent, who shall wilfully fail or neglect to hold the annual institute as prescribed in this article, shall be fined fifty dollars. (Ky. Stat., Sec. 4507.)

§ 163.—**One or more Able and Experienced Conductors to be Employed**—Each county superintendent of the State may employ one or more able and experienced institute instructors to direct each institute held by him, and to instruct the teachers thereof. (Ky. Stat., Sec. 4508.)

§ 164.—**Convention of Institute Conductors—Object of**—Beginning in 1894, the Superintendent of Public Instruction may, annually, call all the professional institute workers of the State into institute convention at the State Capitol, during the month of May, for the purpose of better organization and more effective management of institute work. At the said institute convention, the whole subject of institute work shall be thoroughly discussed and the best plans for prosecuting it throughout the State shall be adopted and used in all counties. The said institute convention may suggest to the committee on programme principles, subjects and methods for incorporation in the programme syllabus. (Ky. Stat., Sec. 4509.)

§ 165.—**Who must Attend Institute—Penalty for Non-Attendance, etc.—Sickness and Disability**—Every teacher of a common school, including teachers of the graded common schools in cities of the fifth and sixth classes, who hold a State diploma, State certificate or county certificate, or who contemplate applying for a certificate of qualification to teach in the common schools, shall attend the full session of the institute in his home county, unless he is teaching in another county in which the institute is yet to be held, or has attended the institute of a county in which he has a contract to teach. If teaching in a county other than his home county, whose

institute is yet to be held, he must attend the full session of the latter. The county superintendent shall revoke the certificate of any teacher who shall fail or neglect to attend the full session of the institute, unless the superintendent shall be fully satisfied that such failure has been caused by actual sickness or other disability. After the county institute has been held, it shall be unlawful to grant any person a certificate to teach at any time during that school year, unless the said person shall have attended the full session of the institute of that or some other county during that school year, or unless the county superintendent shall be fully satisfied that the failure to attend the institute has been caused by sickness or other disability. During the institute, there shall be a suspension of all the schools as are in session, but no reduction of the teachers' salary shall be made on account of such suspension. The time of actual attendance upon the institute in days and parts of days shall be accredited to the teachers, if institute be held during the session of his school. At the close of the institute, the county superintendent shall give to each teacher or other person in attendance a certificate of the number of days and parts of days that the teacher or other person has attended, which certificate of attendance shall be filed by the teacher with the chairman of the division board of education of the district, who shall make report thereof to the county superintendent at the time of reporting the school." (Ky. Stat., Sec. 4510 as amended Chap. 35, Acts 1906.)

§ 166.—**Joint Institutes—Two Conductors to be Engaged—Record**—Any adjoining counties, not exceeding four in number, may combine and hold a joint institute: Provided, The county superintendents of all the counties concerned shall agree upon the plans necessary to the purpose; that each of them shall attend the full session of the said joint institute, and keep the record provided in section one hundred and sixty-seven, and that at least two able and experienced instructors are employed, if more than two counties are combined. (Ky. Stat., Sec. 4511.)

§ 167.—**Duties of County Superintendent—Fees**—The county superintendent shall be present during the entire session of the institute; shall have the roll called every morning and afternoon; shall keep a strict daily register of the presence, absence and tardiness of the teachers and other members, and of the exercises of the institute, and after the close thereof, shall have the proceedings

printed in one or more newspapers. He may collect two dollars, but in no case shall he collect less than one dollar from each teacher or other person in attendance on the institute, except honorary members, and twenty-five cents of the sum so collected from each person shall be paid into the county library fund. From the fees collected from the teachers and other persons in attendance the county superintendent shall pay all necessary expenses of the institute. The proceedings shall be published in such local papers as will do this without charge, and one copy shall be forwarded to the office of Superintendent of Public Instruction. Any residue, after the payment of institute expenses shall also be paid into the county library fund. In case of a joint institute, any surplus fund shall be pro rated among the counties concerned. (Ky. Stat., Sec. 4512.)

§ 168.—**Selection of Proper Place for Institute—Notices of**—In selecting a proper place for holding the teachers' institute, the county superintendent shall decide with reference to the convenience and accommodation of the place, and shall endeavor to make such arrangements as he best can for economizing and reducing the expenses of teachers while in attendance. He shall, twenty days before the institute begins, notify by mail the trustees of his county of the time and place of holding it; and it shall be the duty of each trustee to notify promptly every teacher in his school subdistrict. The county superintendent shall likewise direct the trustee of each subdistrict to post notices thereof. (Ky. Stat., Sec. 4513.)

§ 169.—**Normal Instructors to be Recommended**—The Superintendent of Public Instruction may, when requested by a county superintendent, recommend able and experienced normal instructors to conduct the teachers' institute whose pay shall be derived from and paid by the county superintendent out of the funds raised from the teachers and other members of the institute. (Ky. Stat., Sec. 4514.)

§ 170.—**Subject of Instruction**—At each session of the institute, every subject embraced in the common school course shall be brought before the institute, illustrated and described, and every feature of school organization and school management, together with the whole work of the teacher, shall be considered, and the common school laws of the State read and expounded. (Ky. Stat., Sec. 4515.)

§ 171.—**County Teachers' Association**—During the session of the institute there shall be held a county teachers' association and one hour in the afternoon or night meeting shall be daily set apart for this purpose. The association may be composed of all the officers and teachers of common schools present, and shall be called together by the county superintendent, who shall be ex officio president. The object of such association shall be, primarily, to discuss and devise the best ways and means of promoting the interest of education, the improvement of teachers, and the methods of teaching and especially to devise means for securing better school houses, better attendance, and local aid for common schools. The said association shall be a permanent organization, with one vice-president for each magisterial district to be elected or appointed; and shall hold at least one meeting in each magisterial district, besides the meeting at the institute during the first six months of each school year. Every teacher shall attend at least the meeting held in the magisterial district in which he shall teach, and upon failure to do so, shall teach an additional day during the school month following such failure, unless he shall satisfy the county superintendent that such failure was caused by sickness or other actual inability. The county superintendent shall attend each meeting of the association, and shall prepare or have prepared a programme of the exercises therefor. (Ky. Stat., Sec. 4516.)

§ 172.—**Report of County Superintendent**—The county superintendent shall, at the time of making his annual report to the superintendent, also report the time and place of holding the teachers' institute, the name of the person or persons conducting the same, the number of persons registered as in attendance, the sum collected by a fee from each person in attendance, the number of teachers of common schools in the county who did not attend the institute and teachers' association; and such other facts as he may deem of value and interest. (Ky. Stat., Sec. 4517.)

CHAPTER XII.

COUNTY AND DISTRICT LIBRARY.

§ 173.—**County Library—By whom kept—Funds—How Provided**—There shall be a county teachers' library in each county of the Commonwealth to be kept under the care and in the office of the

county superintendent, for the exclusive use and benefit of the teachers of the county. The sums collected for the purpose at each annual institute, and all sums added thereto by donation, shall constitute the county library fund, which shall be kept and accounted for by the county superintendent. (Ky. Stat. Sec. 4518.)

§ 174.—**Library Committee—By whom Composed—Duties**—The county superintendent, as chairman, and two persons annually elected by the county institute, shall constitute a library committee, for the selection and purchase of books, periodicals and furniture, and for the adoption of rules for the management of the library under the regulations of the State Board of Education. The Superintendent of Public Instruction shall supply each of these libraries with a bound copy of each edition of the school law, of his biennial reports, and other publications of his department. The library committee shall keep a permanent record of its acts and accounts open at all times for the inspection of the teachers; and, through its chairman, shall annually report to the county institute an itemized statement of all sums received and expended; the number, names and cost of books and other articles purchased; all donations of books and periodicals, with the names of the donors; the number of books belonging to the library; the number in the library; the number in loan, and such other facts as may be required; and, in his annual report to the Superintendent of Public Instruction, the county superintendent shall state the sums received, the sums expended, the number of volumes in the library, and the increase during the year. (Ky. Stat. Sec. 4519.)

§ 175.—**Organization and Management of District Library**—When, by contribution, purchase or otherwise forty volumes can be collected for such purpose, the subdistrict trustees may organize a district library in connection with the school of the subdistrict, which shall be for the use of the subdistrict in which the same is located. They may make such suitable arrangements for keeping the books and periodicals of the said library as may be necessary, and may appoint a suitable person to take charge of the same, and to manage it according to such rules as they may prescribe, subject to the regulations prescribed by the county board of examiners. (Ky. Stat. Sec. 4520.)

§ 176.—**Trustees to have Control of District Library—Regulations**—The trustees shall have the same control over the library as

over the other school property; may receive donations of books, maps, charts and other works of interest. But no books of a sectarian, infidel or immoral character shall be placed in the library; and any such books found therein shall be removed by order of the trustees or of the county superintendent. The library shall be free to all pupils of suitable age belonging to the schools of the subdistrict, but any resident of the subdistrict may become entitled to the privileges upon the payment of such sum of money for membership as the trustees may prescribe. (Ky. Stat. Sec. 4521.)

CHAPTER XIII.

ENFORCED ATTENDANCE

§ 177.—**Parents and Custodians of Children to send them to School—Exceptions—Penalty For Violation of Law—Trustees to See that Law is Observed—Penalty—Penalty For Making False Statement—Jurisdiction to Recover Fines——Complainant, When to Pay Costs—Law Applies to Colored Children**—Every parent, guardian or other person in the State of Kentucky, having the control of any child or children between the ages of (7) seven and (14) fourteen years, shall be required to send such child or children, annually, at least (8) eight weeks of which attendance shall be consecutive, to some public or private day or night school for children: Provided, however, That this act shall not apply in any case where the child has been or is being taught at home in such branches as are taught in public schools for a like period of time and subject to the same examinations as other pupils of the district or city in which the child resides, or whose physical or mental condition renders his or her attendance impracticable, or who is excused by the trustees of the public school district or the board of education of the city in which the parent, guardian or person having control resides, upon its being shown to their satisfaction that the parent, guardian or person having control was not able, by reason of poverty, to clothe such child properly, or that he or she has already acquired the ordinary branches required by law, or that there is no white school, in the case of white children, or colored school, in the case of colored children, taught within two (2) miles by the nearest traveled road.

Any parent, guardian or other person failing to comply with the provisions of this act shall forfeit to the use of the schools in the city, town, or common school district in which such child resides, a sum not less than five ($5.00) nor more than twenty dollars ($20.00) for the first offense, nor less than ten ($10.00) nor more than fifty ($50.00) dollars for the second and every subsequent offense, and cost of suit. It shall be the duty of any school trustee or president of the Board of Education to inquire into all causes of complaint and neglect of duty prescribed in this act and he shall notify in writing the parent, guardian, or other person so offending that such complaint has been made, and if the cause be not shown within (5) five days, to at once proceed against the responsible persons as is hereby provided; and any school trustee or president of the Board of Education neglecting to undertake such prosecution in good faith for such offense, within ten (10) days after a written notice has been served on him by any tax-payer in said district or city, unless the person so complained of shall be excused by the district or city board, or Board of Education, for the reasons hereinbefore stated, shall forfeit to the public schools in the city, town or common school district in which said trustee or president of the board of education resides, a sum not less than ten ($10) nor more than fifty ($50) dollars. Any person having control of a child, who, with intent to evade the provisions of this act, shall make a wilfully false statement concerning the age of such child, or the time such child has attended school, shall forfeit for each offense a sum not less than five ($5) nor more than twenty ($20) dollars, for the use of public schools for such city, town or district. Any fine or penalty mentioned in this act may be sued for, and recovered before any court of record or justice of the peace of the proper county, in the name of the Commonwealth of Kentucky, for the use of the public schools of the city, town or district in which said child resides. That upon the trial of any offense as charged herein if upon such trial it shall be determined that such prosecution was malicious, then the cost in such case shall be adjudged against the complainant, and collected as fines in other cases. The conditions and provisions of this act shall apply to any parent, guardian or person having control of any colored child or children, in like manner, but no white child shall be permitted to attend or become a pupil in any school for colored children, and no colored child shall be permitted to attend

or become a pupil in any school for white children. (Ky. Stat. Sec. 4521a.)

CHAPTER XIV.

COMPULSORY ATTENDANCE AND TRUANCY LAW IN CITIES OF THE FIRST, SECOND, THIRD AND FOURTH CLASSES. (ACT 1910)

§ 178.—**Children between the Ages of 7 and 16 to be Enrolled in School—Exceptions**—That every parent, guardian or other person in any city of the first, second, third or fourth class, having the custody, control or supervision of any child, or children, between the ages of seven and sixteen years inclusive, shall cause such child to be enrolled in and to attend some public or private day or parochial school regularly each school year for a full term or period of said school provided that such private or parochial school term shall not be for a shorter period during each year than the term of the public schools in the city of the child's residence. Provided, further, that this act shall not apply in any case where the child has been, or is being taught at home in such branches as are taught in the public schools for a like period of time and subject to the same examinations as other pupils of the city in which the child resides; and for the purpose of ascertaining whether or not any child is embraced within this exemption the court may order such child to submit to an examination to be given by the city superintendent of schools. Provided, further, that this section shall not apply to any child who is excused by the Board of Education or school board of the city in which the parent, guardian or person having the custody, control or supervision of such child or children reside, upon it being shown to the satisfaction of the superintendent or chief executive officer of schools upon certificate of the Health Officer, which certificate shall be filed in the office of the superintendent of schools, that such child is not in proper physical or mental condition to attend school. Provided, further, that the provisions of this act shall not apply to any child between fourteen and sixteen years of age for whom an employment certificate may have been issued in accordance with the provisions of the child labor law.

§ 179.—**Penalty for Failure to Comply With Act**—Any parent, guardian or other person having the custody, control or supervision

of any child embraced within the provisions of this act, who shall fail to comply with the provisions of this act, shall be deemed guilty of misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding twenty-five ($25) dollars for the first offense, and for any subsequent offense, upon conviction thereof, shall be fined in any sum not exceeding one hundred ($100) dollars, or by imprisonment in the county jail for any period not exceeding fifty days, or both so fined and imprisoned, in the discretion of the court.

§ 180.—**Evasion by False Statement—Penalty—Defense**—Any parent, guardian, or other person having the custody, control or supervision of any child, embraced within this act, who with the intent to evade the provisions of this act, shall make a false statement concerning the age of such child or the time such child has attended school, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding one hundred ($100) dollars, or by imprisonment in the county jail for a period not exceeding fifty days, or both so fined and imprisoned in the discretion of the court. Any parent, guardian, or other person having the custody, control or supervision of any child embraced within this act, who shall be proceeded against under this act, may prove in defense that he is unable to compel the child under his control to attend school, and he may be thereupon discharged from liability, and such child shall be proceeded against as a delinquent child under the statutes in such cases made and provided.

§ 181.—**Record of Age**—A passport, a duly attested transcript of the certificate of birth or baptism, a certified copy under oath of a record in the family Bible, or other religious record, showing the date and place of birth of such child shall be produced as proof of age. In case such certificate or record as hereinabove provided can not be secured, upon proof of such fact, the record of the age stated in the first school enrollment to be found shall be considered as evidence thereof. If there be no school enrollment showing such fact, other evidence as to the age of said child may be considered.

§ 182.—**Fines and Penalties to be Used to Pay Officers**—Any fines or penalties provided for in this act shall be for the use of the public schools of the city in which such child resides. Any such fine or penalty may be recovered by rule or in any way in which a court of equity may enforce its orders or decrees.

§ 183.—**Appointment of Truant Officers—Qualifications—Examination of Truant Officers—Compensation—Chief Truant Officer May Be Appointed**—In the first week of July in each year the board of education in each city of the first, second, third and fourth classes shall appoint at least one person for each ten thousand (10,000) children, enrolled in the school census, to serve as truant officers, whose term of office shall be during the pleasure of the board appointing him, who may be removed at any time by said board for cause and whose duties shall be limited to the city where the appointment is made. If in any such city there shall be less than ten thousand (10,000) children enrolled in the school census, there shall be appointed, as above, one truant officer. Said truant officers shall be residents of the city in which they are appointed, and of good moral character. They must be able to read and write with ease. In cities of the first class such truant officers shall not engage in any other occupation during such period of time as the schools are in session each year. Before they shall be eligible for appointment, all applicants for the position of truant officer shall be examined by the superintendent of schools, who shall certify to the Board of Education only such persons qualified as herein provided. Such truant officer shall receive from the tax levy for school purposes of such cities not less than one ($1.00) dollars, nor more than three ($3.00) dollars per day during such period of time as he may be employed by the school board. In cities of the first and second class, the Board of Education may appoint a chief truant officer in addition to the truant officer or officers herein provided for or may designate one of the truant officers as provided for as chief truant officer and shall be authorized to pay such chief truant officer a salary of not exceeding twelve hundred ($1,200) dollars per year, to be fixed by said board. It shall be the duty of the chief truant officer, under the general direction of the superintendent of city schools to supervise, control, and direct the work of all truant officers appointed in such city. Such chief truant officer shall cause to be made and fully kept, reports from all truant officers, principals and teachers of the workings of this act and shall be directly charged with the duty of seeing that the provisions of this act are complied with.

§ 184.—**Duties of Truant Officers**—Truant officers shall examine into any case of truancy within the city or district, and when,

from personal knowledge, or by report or complaint from any resident or teacher of the city or district it appears that any child, subject to the provisions of this act, is absent from school without lawful excuse, and in violation of the provisions of this act, or is persistently truant from school, the truant officer shall immediately give written notice to the parents, guardian or person having the custody, control or supervision of such child that the attendance of such child is required, and if such parent, guardian or person having the custody, control or supervision of such child does not comply immediately with the provisions of this act, then such truant officer shall proceed against such child as a delinquent child, and against such parents, guardian or person having the custody, control or supervision of such child for violation of this act and for contributing to such condition of delinquency in such child. It shall be the duty of all truant officers to report all violations of the child labor law of which they have any knowledge. In cities having a chief truant officer such report shall be made by such chief truant officer and in cities having no chief truant officer such reports shall be made by truant officers to the superintendent of city schools. All such violations aforesaid shall be promptly reported by the Superintendent of Schools or chief truant officer, as the case may be, to the Labor Inspector.

§ 185.—**Jurisdiction**—The county court of the respective counties of the Commonwealth shall have exclusive jurisdiction of all cases coming within the terms and provisions of this act.

§ 186.—**School Officers to Report—Truant Officers under Supervision of City Superintendent**—All school officers and teachers are hereby required to make and furnish upon demand, any report that may be required by the Superintendent of Public Instruction, or by the Superintendent of Public Schools of cities of the first, second, third and fourth classes, with reference to the workings of this act, and all truant officers appointed under this act shall keep a full record of the work done by them, in books to be furnished them for that purpose by the State Superintendent of Public Instruction. The Superintendent of Public Instruction shall make and publish an annual report of the workings of this act. Such truant officers shall be under the direct supervision and control of the City Superintendent of Schools and shall report to teachers, principals or other persons as directed by him and each City Su-

perintendent of Schools shall compile and publish an annual report of the work of the truant officer or officers under this act.

§ 187.—**List of Children of School Age to Be Furnished Each Principal**—During the month of August in each year the Superintendent of Public Schools of cities of the first, second, third and fourth classes shall furnish or cause to be furnished by the truant officer or officers of said city to the principal of each school in their respective cities a list of all children between the ages of seven and sixteen years entitled to attend said school, in such form as may be adopted by such Superintendent. Said list shall be arranged in such form as such Superintendent may prescribe, shall contain the name and age of each child, the name and address of such child's parents, guardian or person having the custody, control or supervision, and such other facts as may be required by the Superintendent of Public Instructions, or Superintendent of Schools of the city of the first, second, third and fourth classes.

§ 188.—**Names of Absentees to be Reported to Truant Officers —Duty of Truant Officers to Report Names of Children Not Attending**—The principal of each school in cities of the first, second, third and fourth classes shall report each day, if possible, or at such times as he may be directed by the Superintendent of Schools during such period of time as the schools are in session each year in the respective cities, to the Suprintendent of Public Schools in the city in which such school is situated, or to a truant officer, if so directed by the Superintendent, the name and address of each child who has been absent from school without lawful excuse, or who is persistently truant from school, together with the name of such child's parent or parents, guardian or persons having the custody, control or supervision of such child, and it shall be the duty of the truant officer to whom such report is made, immediately upon the receipt of same to make or cause to be made an examination into the cases of absence or truancy contained in such reports and to take any and all needful steps as provided herein under the statutes of this States, to compel such child to attend school, and in cities where a chief truant officer has been designated or appointed such officer shall file a wirtten report once each month with the City Superintendent of schools of all the work done by such chief truant officer and his assistants and in cities where no chief truant officer is designated each truant officer appointed shall file with the

City Superintendent of Schools each month a written report of his work done in the discharge of his duties as set out herein.

§ 189.—**Parental or Truant Schools**—The Board of Trustees, Board of Education, School Board or Board of Commissioners, as the case may be, of any city of the first or second class, are hereby authorized and empowered to equip, maintain and conduct one or more parental or truant schools for the purpose of affording a place where children of compulsory school age, and coming within the provisions of this act, and of the statutes of this State, concerning neglected, dependent and delinquent children, may be detained for the purpose of discipline and instruction hereinafter provided.

§ 190.—**Location of Schools**—Such school or schools may be located either within or without the corporate limits of the city; provided, however, that such school or schools shall not be located outside of the county in which such city is located, and provided, further, that no such school shall be located at, or near any penal institution.

§ 191.—**Religious Instruction and Attendance Upon Religious Service**—No religious instruction shall be given in such school or schools except as is allowed by law to be given in public schools, but the Board of Trustees, Board of Education, School Board or School Commissioners, as the case may be, shall make suitable regulations so that inmates shall receive religious training in accordance with the belief of such children's parents or guardian, either by allowing such religious services to be held in such institution or by arranging for the attendance of public service elsewhere.

§ 192.—**Child Committed to School May be Returned Home on Probation**—Any child committed to such school, or schools, upon an order duly entered by the County Court, may be allowed to return home upon probation and to remain while upon probation, subject to the friendly visitation and supervision of a probation officer of said County Court, and subject at any time to be returned to such school if said child, in the opinion of the County Court, shall violate the terms and conditions of its probation. No child shall be released upon probation in less than four weeks from the time of his or her committment, nor thereafter, unless the court shall be satisfied that said child, who is probationed, will attend regularly some public or private school as herein provided. If any child so released upon probation shall be regular in his or her attendance in

school, and his or her conduct as a pupil shall be satisfactory for a period of one year from the date upon which she or he was released upon probation, he or she shall be finally discharged from such parental or truant school, and shall not be recommitted thereto, except in a subsequent proceeding undertaken according to the provisions of this act, and to the statutes of his State, concerning neglected, dependent and delinquent children.

§ 193.—**Penalty For Violation of Conditions of Probation**—Any child released from said school or schools upon probation as herein provided, who shall violate the conditions of his or her probation any time within one year thereafter, shall, upon the order of the County Court, be returned to such parental or truant school, and shall not again be released upon probation within a period of three months from the date of such re-entering; and if such child shall violate the conditions of a second release upon probation he or she shall be recommitted to such school and shall not be released therefrom on probation until he or she shall have remained in such school one year.

§ 194.—**Rules and Regulations**—The Board of Trustees, Board of Education, School Board, or School Commissioners, as the case may be, of cities of the first or second class, may establish any rules or regulations concerning such schools not inconsistent with this act or the Constitution or laws of this State.

CHAPTER XV.

THE CHILD LABOR LAW
(ACT AMENDED 1910)

§ 195.—**Child under Fourteen shall not be Employed During School Term**—No child under fourteen years of age shall be employed, permitted or suffered to work in or in connection with any factory, workshop, mine, mercantile establishment, store, business office, telegraph office, restaurant, hotel apartment house or in the distribution or transmission of merchandise or messages. It shall be unlawful for any person, firm or corporation to employ any child under fourteen years of age in any business or service whatever, during any part of the term during which the public schools of the district in which the child resides are in session.

§ 196.—**Child Between Fourteen and Sixteen May be Employed Under Certain Conditions—Labor Inspector—Duties under Act—Evidence of Child's Age to be Produced**—No child between fourteen and sixteen years of age shall be employed, permitted or suffered to work in or in connection with any factory, workshop, mine, mercantile establishment, store, business office, telegraph office, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages unless the person or corporation employing him procures and keeps on file and accessible to the truant officers of the town or city, and to the Labor Inspector, an employment certificate as hereinafter prescribed, and keeps two complete lists of all such children employed therein, one on file and one conspicuously posted near the principal entrance of the building in which such children are employed. On termination of the employment of a child so registered, and whose certificate is so filed, such certificate shall forthwith be surrendered by the employer to the child or its parent or guardian or custodian. The Labor Inspector may make demand on an employer in whose establishment a child apparently under the age of sixteen years is employed or permitted or suffered to work, and whose employment certificate is not then filed as required by this act, that such employer shall either furnish him within ten days, evidence satisfactory to him that such child is in fact over sixteen years of age, or shall cease to employ, or permit or suffer such child to work therein. The Labor Inspector may require from such employer the same evidence of age of such child as is required on the issuance of an employment certificate, and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child. In case such employer shall fail to produce and deliver to the Inspector within ten days after such demand such evidence of the age herein required of him, and thereafter continue to employ such child, or permit or suffer such child to work in such establishment, proof of the giving of such notice and of such failure to produce and file such evidence shall be prima facie evidence in any prosecution brought for violation of the provision that such child is under sixteen years of age and is unlawfully employed.

§ 197.—Employment certificates shall be issued only by the Superintendent of Schools or by a person authorized by him in writing, acting in his name. Where there is no local Superintend-

ent of Schools, they shall be issued by the County Superintendent of Schools or by a person so authorized by him.

§ 198.—**Certificates not to be Issued until Certain Papers are Filed—Personal Examination of Child**—The person authorized to issue employment certificates shall not issue such certificates until he has received, examined, approved, and filed the following papers duly executed: (1) The school record of such child properly filled out and signed as provided hereinbelow. (2.) A passport or duly attested transcript of the certificate of birth or baptism or other religious record, showing the date and place of birth of such child. A duly attested transcript of the birth certificate filed according to law with any officer charged with the duty of recording births, shall be sufficient evidence of the age of such child. (3.) The affidavit of the parent, guardian or custodian of a child, which shall be required, however, only in case such last mentioned transcript of the certificate of birth be not produced and filed, showing the place and date of birth of such child, which affidavit must be taken before the officer issuing employment certificates, who is hereby authorized and required to administer such oath, and who shall not demand or receive a fee therefor. Such employment certificate shall not be issued until such child has personally appeared before and been examined by the officer issuing the certificates, and until such officer shall, after making examination, file and sign in his office a statement that the child can read and legibly write simple sentences in the English language, and that in his opinion the child is fourteen years of age or upward, and has reached the normal development of a child of its age, and is in sound health and is physically able to perform the work which it intends to do. In doubtful cases such physical fitness shall be determined by a medical officer of the board or department of health, or by the county physician. Every employment certificate shall be signed in the presence of the child in whose name it is issued. The Superintendent of schools in any city, town, county, or district, wherever there is one, and where there is none, then the County Superintendent shall, between the first and tenth days of each month, transmit to the office of the Labor Inspector, a report, which report shall give, (1) the name of each child to whom a certificate has been issued in the previous month, together with the date of birth of such child; and (2) the name of each child to whom a certificate has been re-

fused in the previous month, together with the ground for such refusal. A refusal or failure to transmit such report by any person charged under this section with the duty of transmitting same to the Labor Inspector shall constitute a misdemeanor punishable by a fine of not more than twenty-five nor less than five dollars, to be disposed of as provided in Section 212 of this law.

§ 199.—**Certificate to Describe Child, etc.**—Such certificate shall state the date and place of birth of the child, and describe the color of the hair and eyes, the height and weight and any distinguishing facial marks of such child, and that the papers required by the preceding section have been duly examined, approved and filed and that the child named in such certificate has appeared before the officer signing the certificate and has been examined.

§ 200.—**School Record; What it Shall Contain—Procedure in Case School Record Can not be Obtained**—The school record above mentioned shall be signed by the principal or chief teacher of the school which such child has last attended and shall be furnished, on demand, to a child entitled thereto. It shall contain a statement certifying that the child has regularly attended the public school or schools equivalent thereto or parochial school for not less than one hundred days during the school year previous to his arriving at the age of fourteen years or during the year previous to applying for such school records and is able to read and write simple sentences in the English language, and has received during such period instruction in reading, spelling, writing and geography and is familiar with the fundamental operations of arithmetic up to and including common fractions. Such school record shall also give the age and residence of the child, as shown on the records of the school and the name of its parent, or guardian or custodian: Provided, That upon the filing with the person authorized to issue employment certificates of the affidavit of the applicant or of his or her parent, guardian or custodian, showing that diligent effort has been made to obtain the school record hereby required and that it can not be obtained, then the person authorized to issue the certificate may issue such a certificate without having received such school record, but it shall be his duty, in such case, to examine the applicant as to his or her proficiency in each of the studies mentioned in this

section; and in such case the employment certificate shall show that such examination was had in lieu of the filing of the school record.

§ 201.—**Names of Children to whom Certificates have been granted, Furnished to Inspector**—The local board of education or the school board of a city, town or district, as the case may be, shall transmit between the first and tenth of each month, to the office of the Labor Inspector, a list of the names of the children to whom certificates have been issued during the previous month.

§ 202.—**Duties of Employer**—No person under the age of sixteen years shall be employed or suffered or permitted to work at any gainful occupation more than sixty hours in any one week, not more than ten hours in any one day; or before the hour of seven o'clock in the morning or after the hour of seven in the evening. Every employer shall post in a conspicuous place in every room where such minors are employed a printed notice, stating the hours required of them each day of the week, the hours of commencing and stopping work and the hours when the time or times allowed for dinner or for other meals begin and end. The printed form of such notice shall be furnished by the State Labor Inspector, and the employment of any minor for longer time in any day so stated shall be deemed a violation of this section.

§ 203.—**Penalties for Violation of Act**—Whoever employs a child under sixteen years of age, and any parent, guardian, or any adult person under whose care or control a child under such age lives, who, permits such child to be employed in violation of sections 195, 196 or 202 of this act shall, for such offense, be fined not more than fifty dollars, and whoever continues to employ any child in violation of either of said sections of this act after being notified by a truant officer or a labor inspector thereof, shall, for every day thereafter that such employment continues, be fined not less than five nor more than twenty dollars. A failure to produce to a truant officer or labor inspector any employment certificate or list required by this act, shall be prima facie evidence of the illegal employment of any person whose employment certificate is not produced, or whose name is not so listed. Any corporation or employer retaining employment certificates in violation of section 196 of this act shall be fined ten dollars. Every person authorized to sign the certificate prescribed by section 199 of this act, who knowingly

certifies to any materially false statement therein shall be fined not more than fifty dollars, nor less than ten dollars.

§ 204.—**Truant Officers to Visit Factories and Make Report**—Truant officers may visit factories, work shops, mines and mercantile establishments in their several towns and cities and ascertain whether any minors are employed therein contrary to the provisions of this act, and they shall report any cases of such illegal employment to the superintendent of schools and to the Labor Inspector. Labor inspectors and truant officers may require that the employment certificates and lists provided for in this act of minors employed in such factories, work shops, mines or mercantile establishments, shall be produced for their inspection. Complaints for offenses under this act shall be brought by the labor inspector.

§ 205.—**Certain Employments not to be Engaged in by Children**—No child under the age of sixteen years shall be employed at sewing belts, or to assist in sewing belts, in any capacity whatever, nor shall any child adjust any belt to any machinery; they shall not oil or assist in oiling, wiping or cleaning machinery; they shall not operate or assist in operating circular or band saws, wood shapers, wood joiners, planers, sandpaper or wood polishing machinery, emery or polishing wheels used for polishing sheet metal, wood turning or boring machinery, stamping machines in sheet metal and tinware manufacturing, stamping machine in washer and nut factories, operating corrugating rolls, such as are used in roofing factories, nor shall they be employed in operating any steam boiler, steam machinery, or other steam generating apparatus, or as pin boys in any bowling alley; they shall not operate or assist in operating dough brakes, or cracker machinery of any description, wire or iron straightening machinery, nor shall they operate or assist in operating rolling mill machinery, punches or shears, washing or grinding or mixing mills or calendar rolls in rubber manufacturing, nor shall they operate or assist in operating laundry machinery, nor shall such children be employed in any capacity in preparing any composition in which dangerous or poisonous acids are used, and they shall not be employed in any capacity in the manufacture of paints, colors or white lead, nor shall they be employed in any capacity whatever in operating or assisting to operate any passenger or freight elevator, nor shall they be employed in any capacity whatever in the manufacture of goods for

immoral purposes, nor in any theatre, concert hall, or place of amusement wherein intoxicating liquors are sold, nor shall females under sixteen years of age be employed in any capacity where such employment compels them to remain standing constantly. Nor shall any child under sixteen years of age be employed at any occupation dangerous or injurious to health or morals, or to lives or limbs, and as to these matters the decision of the county physician or city health officer, as the case may be, shall be final.

§ 206.—**Dangerous Machinery to be Guarded**—It shall be the duty of the owner of any manufacturing establishment, where any person under sixteen years of age is employed, his agents, superintendents or other persons in charge of same, to furnish and supply, when practicable, or cause to be furnished and supplied to him, belt shifters or other safe mechanical contrivance for the purpose of throwing belts on or off pulleys; and, whenever practicable, machinery therein shall be provided with loose belts. All vats, pans, saws, planes, cogs, gearing, belting, set screws and machinery of every description therein, which is palpably dangerous, where practicable, shall be properly guarded; and no person shall remove or make ineffective any safeguard around or attached to any planer, saw, belting, shafting or other machinery, or around any vat or pan, while the same is in use, unless for the purpose of immediately making repairs thereto, and all such safeguards shall be promptly replaced. No person under eighteen years of age shall be allowed to clean machinery while in motion.

§ 207.—**Suitable Washrooms and Closets to be Supplied**—Suitable and proper washrooms and water closets shall be provided in each manufacturing establishment, where any person under sixteen years of age is employed, and such water closets shall be properly screened and ventilated and be kept at all times in a clean condition; and if girls under sixteen years of age be employed in any such establishment, the water closet shall have separate approaches and be kept separate and apart from those used by men. All closets shall be kept free from obscene writing and marking. A dressing room shall be provided for such girls when the nature of their work is such as to require any change of clothing.

§ 208.—**Seats to be Provided for Use of Girls**—Every person, firm, corporation, association, individual or partnership employing girls under sixteen years of age in any manufacturing, mechanical

or mercantile industry, laundry, workshop, renovating works, or printing offices in this Commonwealth, shall provide seats for the use of the girls so employed, and shall permit the use of such by them when not necessarily engaged in the active duties for which they are employed.

§ 209.—The walls and ceiling of each room in every manufacturing establishment where any person under sixteen years of age is employed shall be lime-washed or painted, when, in the opinion of the labor inspector, it shall be conducive to the health or cleanliness of the persons working therein.

§ 210.—**Grand Juries; Powers**—Grand juries shall have inquisitorial powers to investigate violations of this act; also shall county judges and circuit judges, and judges of the circuit courts of the State shall specially charge the grand jury at the beginning of each term of the court to investigate violations of this act.

§ 211.—**Act to be Posted in Certain Establishments**—A copy of this act shall be conspicuously posted and kept in each workroom of every manufacturing establishment, mill, mine or workshop or mercantile or printing establishment, theatre, bowling alley, telegraph, telephone or public messenger company or laundry in this Commonwealth.

§ 212.—**Penalty for Violation of Act**—Any adult person who violates any of the provisions of this act, or who suffers or permits any child to be employed in violation of its provisions, shall be deemed guilty of a misdemeanor, and on conviction, unless otherwise herein expressly provided, shall be punished by a fine of not more than fifty dollars and not less than twenty-five dollars for the first offense, and for each subsequent offense by imprisonment for not more than ninety days and not less than ten days or by a fine of not less than fifty dollars nor more than two hundred dollars, or by both fine and imprisonment. Every fine imposed under this law shall enure to the benefit of the public schools in the city, county, town or district in which the violation may have occurred; and the court imposing such fine shall promptly cause same to be paid over to the proper school authorities entitled to receive other moneys accruing to said schools.

§ 213.—**Act not to become Effective until September First, 1908**—Whereas, there are many children between the ages of fourteen and sixteen now in employments for which employment certificate

is required by this act; now, therefore, in order to provide ample time for compliance herewith by obtaining the proof of birth and the school record herein required, it is hereby enacted that the provisions of this act as to the requirement of an employment certificate shall not go into effect until the first day of September, nineteen hundred and eight. And, whereas, there are some children between the ages of fourteen and sixteen who are now in employment for which an employment certificate is required by this act, who can not comply with the educational test established by this act, and who would find it a real hardship to be thus expelled from their employment without a full opportunity to prepare themselves for that test; now, therefore, it is hereby enacted that the requirement of the filing of a school record, or of mental examination in default thereof, as a prerequisite to the issuance of an employment certificate, shall not be effective until the first day of September, nineteen hundred and nine; but from the first day of September, 1908, to the first day of September, 1909, employment certificates shall be issued to children between the ages of fourteen and sixteen years upon the proof of birth and of physical fitness required by section 197 hereof.

§ 214.—**Act of 1906 Repealed**—This act shall operate and be constructed as a repeal of an act, entitled "An act to make it unlawful to employ a child less than fourteen years of age in workshops, mines, mills or factories in this Commonwealth, and fixing the penalty," approved March 12, 1902, and as a repeal of an act, entitled, "An act to amend an act, entitled 'an act to make it unlawful to employ a child less than fourteen years of age in workshops, mines or factories,' and to regulate the employment, use and protection of child labor in mills, mines, factories, etc." approved March 17, 1906, and all other laws and parts of laws, in conflict with the provisions of this act are hereby repealed.

CHAPTER XVI.

PUBLIC SCHOOLS IN CITIES OF THE FIRST CLASS.

§ 215.—**Board of Education Election**—Every city in this State of the first class shall be and constitute a single school district, and the supervision and government of common schools, kindergarten,

high schools, manual training schools and normal schools and all such school property therein shall be vested in a board of five members to be known as the "Board of Education of , Kentucky," (in which title the name of such city shall be inserted). Such Board of Education shall be a body corporate and shall, by and in said name, sue and be sued, purchase, receive, hold and sell property, do all things necessary to accomplish the purpose for which such school district is organized, and succeed to all the property, rights and privileges granted to and belonging to any previous School Board of such city: Provided, that all pending suits in which any such previous School Board is a party, may be prosecuted to an end in the name of such party.

§ 216.—**Powers and Duties**—Every such Board of Education shall have exclusive control of the common schools, including kindergartens, high schools, manual training schools and normal schools as hereinafter provided, and of common school property in such city; shall exercise generally all powers in the administration of the common school system therein, appoint such officers, agents and employes as it may deem necessary and proper and fix their compensation; and shall have power to fix the time of its meetings, to make, amend and repeal rules and by-laws for its meetings and proceedings, for the government, regulation and management of the common schools and school property in such city, for the transaction of its business, and for the examination, qualification and employment of teachers, which rules and by-laws shall be binding on such Board of Education and all parties dealing with it until formally repealed by an affirmative vote of four members of said Board. To provide for special and standing committees, and to certify to the General Council the amount of money necessary for the maintenance and improvement of the schools as hereinafter provided, and to purchase and hold all property, real and personal, necessary for the purposes of public education, to build and construct improvements for such purposes, and to hold or sell the same.

§ 217.—**Real Estate—Power to Purchase or Condemn**—It shall also have power, when unable to contract with the owner of any real estate necessary to the proper accomplishment of the purpose for which said Board is created, to institute condemnation proceedings in accordance with the law governing railroad corporations

incorporated under the laws of this Commonwealth; and to have in such proceedings the same rights, powers, privileges and restrictions as are now granted to or conferred upon such railroad corporations. Such Board of Education shall have all the powers of other school districts under the laws of this State, except as herein provided.

§ 218.—**Eligibility of Members of Board**—No person shall be eligible to the office of member of the Board of Education, who has not attained the age of thirty years and one who is not a housekeeper or is not the owner of real estate in said city, and who is not a citizen of and a bona fide resident of this Commonwealth and of the city for which he is elected, for three years next preceding the election; or who holds or discharges any office, deputyship or agency under the city, or any district or county, or under the State of Kentucky, or any department thereof, or under the United States or any foreign government, except that of notary public or militia officer of Kentucky. No person shall be eligible to this office who, at the time of his election, is directly or indirectly interested in any contract with the Board, or who holds any office of trust or agency of or draws a salary from any corporation which holds any contract with the Board, or whose father, son, brother, wife, daughter or sister is employed as teacher, or in any other capacity by such Board, or in any of the public schools, or who is, directly or indirectly, interested in the sale to the Board of books, stationery, or other property. If he shall, after election, become a candidate for any office or agency or for the nomination thereto, the holding and discharging of which would have rendered him ineligible before election, or if he shall remove out of the city for which he was chosen, or if he shall do or incur anything which would have rendered him ineligible for election, or if any of his relatives above specified be employed by the Board, his office shall, without further action, be vacant and it shall be filled as directed.

§ 219.—**Compensation of Members**—No compensation shall be paid to the members of the Board, but they shall be exempt from jury duty and from service as election officers during their term of office.

§ 220.—**Term of Office**—The members of said Board of Education shall be elected, except as specified in Section 221 of this Act, for the term of four years by the qualified voters of such city. They

shall be elected from the city at large, and such election shall be held under the provisions of the general laws governing city elections, so far as they are not inconsistent with the provisions of this Act.

§ 221.—**Election by Secret Ballot—General Election Law to Control**—All elections for members of the Board of Education shall be by secret ballot, and the ballot shall be on a separate sheet from all other ballots to be used in any election. It shall be the duty of the County Clerk of any county, in which a city of the first class is situated, to cause to be printed on said ballot the names of all candidates for membership of the Board of Education of such city, in whose behalf he may be petitioned so to do in writing by not less than four hundred electors of said city. The petitions must be filed in the office of the County Clerk not more than sixty days nor less than fifteen days before the day of election, and each petition must be signed by the requisite number of qualified persons, and shall show the place of residence of each person signing it, and no person shall sign more petitions than the number of offices to be filled. If the nomination is to fill a vacancy, the petition shall so state. Where the same person shall be nominated for a full term and to fill a vacancy, he shall be accepted as a candidate for the full term. Said ballot shall be in the form prescribed for ballots by the general election law of the State, except that no party or other emblem or distinguishing mark shall be placed upon said ballot, save the words, "School Ticket" at the head thereof; and that the names of all candidates for membership in the Board of Education shall be printed on said ballot in a single column. The names shall be printed on the first one hundred ballots as arranged in order by lot. On each of the succeeding one hundred ballots the names shall be printed in the same order, save that the last name on the preceding one hundred ballots shall be shifted to the first place; and so on thereafter throughout, a like change being made in the printed order of names for every one hundred ballots. As many additional lines shall be left blank as there are members to be elected. The provisions of the general election law of the State of Kentucky as to the duties of County Clerks and other public officers in the matter of printing and distributing ballots, of the issuing them to voters, of receiving and depositing them in the ballot boxes, and of counting and preserving them, and in all other particulars except as

otherwise provided herein, shall be applicable in all respects to the election of members of the Board of Education: Provided, that it shall be the duty of the Sheriff of each county in which a city of the first class is situated, to provide for each precinct in said city a separate box for the reception of the ballots used in the election of members of the Board of Education. And Provided, further, that it shall be the duty of the judge of election of the opposite political party to the clerk of the election in each precinct to issue the school ballots in the same manner as other ballots are issued by the clerk of election by writing the name and the residence of the voter upon the primary stub, and his registered number upon the secondary stub of the school ballot, and by observing, as to these ballots, such other regulations for the issue and deposit of ballots as may be prescribed for elections generally. It shall be unlawful for an election officer or other person within the election booth to tell or to indicate by word of mouth or otherwise to a voter what may be the political affiliations of any candidate, and a violation of this provision shall be a misdemeanor punishable by fine not exceeding two hundred dollars.

§ 222.—**Members to be Voted For**—Each voter may vote for as many of said candidates as there are members to be elected by making a cross in the square opposite the name of each candidate for whom he wishes to vote. The candidates, in number equal to the number of members to be chosen, who have the highest number of votes shall be declared elected. If at any election a member is to be chosen to fill a vacancy and to serve out an unexpired term, candidates may be chosen as above provided, but they shall, in all cases, be designated on the ballots as candidates to fill a vacancy, and the date of the unexpired term shall be stated.

§ 223.—**Organization of Board**—At the general election occurring in the month of November, 1910, five members of the Board of Education shall be elected as herein provided. After having qualified by taking the oath prescribed by law, they shall assume office on the first day of January, 1911, and shall meet at the offices of the present School Board of said city at twelve o'clock noon, and shall proceed to organize by electing one of their number President, and another Vice-president. Within one week after the organization of said Board it shall meet to divide its members by lot in such

manner as they shall determine into two classes, as follows. The first class consisting of two members, shall hold office through the 31st day of December, 1912, the second class consisting of three members, shall hold office through the 31st day of December, 1914. Thereafter at each regular election held in November of each even-numbered year, members shall be elected as hereinbefore provided, to take the place of those whose terms will next expire, and the members so chosen shall hold office for four years, or until their successors are elected and qualified.

§ 224.—At its first regular meeting after the 1st day of January, in each year, following its original organization, said Board of Education shall reorganize by electing one of its members President, and another Vice-president.

§ 225.—**Vacancies—How Filled**—Any vacancy in said Board, from whatever cause occurring, shall be temporarily filled by the other members of the Board as soon as practicable after such vacancy occurs. The members so chosen shall hold office until his successor is elected and qualified, subject to the provisions of Section 152 of the Constitution of Kentucky.

§ 226.—**Board of Education to Surrender School Property**—When members of the Board of Education shall have been elected, shall have qualified, and shall have organized as hereinbefore provided, thereupon it shall become the duty of the existing School Board and all officers, agents and employes thereof to surrender their places and to deliver to said Board of Education all the common school property, both real and personal, of every kind whatsoever, and the control and management of the common school affairs of such city: Provided, that until such Board of Education shall be organized, the administration of the common schools and the management of school property in such city shall remain in the control of the existing School Board in the same manner and with the same powers as existed prior to the passage of this Act. All rules and by-laws made by any existing School Board at such time vested in such city with the management of the common schools shall continue in force, so far as consistent with this Act, until repealed or altered by a majority of such Board of Education. Provided, further, that the first Board of Education may continue the employment and service of any existing officers, teachers, agents

or other employes, in their several capacities in connection with the administration of school affairs, until such time as they effect the change of administrative system applicable to the common schools as contemplated in this Act; and said Board of Education may thereafter retain or remove any agents, teachers, janitors, engineers or other employes then rendering service in connection with the public schools of said city.

§ 227.—**Rules and By-Laws**—It shall be the duty of said Board of Education, within sixty days after its organization, to adopt rules and by-laws for its meetings and proceedings, and for the government, regluation and management of the schools and school property, and for the examination, qualification and employment of teachers. And such rules or by-laws may be changed, altered, or set aside, only upon an affirmative vote of four (4) members of the Board.

§ 228.—**Appointment of Officers**—It shall be the duty of said Board of Education, as soon as practicable after its organization, to appoint a Superintendent of Schools, a Business Director, a Secretary and Treasurer, and such other officers, employes and agents as it may deem proper: Provided, that no such officer, employe or agent shall be a member of said Board.

§ 229.—**Superintendent of Schools Appointed for One Year—Powers and Duties**—The Board of Education shall appoint a Superintendent of Schools who shall serve for a term of one year, but whenever a Superintendent who shall have served one year shall be re-elected, his re-election shall be for a term of four years. His compensation shall not be changed during the term for which he is elected. He may be removed at any time by a vote of three-fifths of the entire Board. The Board of Education may, on the nomination of the Superintendent of Schools, appoint as many Assistant Superintendents as it may deem necessary, whose compensation shall be fixed by the Board, and who may be removed by the Superintendent with the approval of the Board. The Superintendent of Schools shall qualify by taking the oath prescribed by law. He shall have general supervision, subject to the control of the Board, of the course of instruction, discipline and conduct of the schools, text books and studies; and all appointments, promotions and transfers of teachers and truant officers, and introduction and

changes of text books and apparatus, shall be made only upon the recommendation of the Superintendent and the approval of the Board. The Superintendent shall have the power to suspend any teacher or truant officer for cause deemed by him sufficient, and the Board of Education shall take such action upon the restoration or removal of such person as it may deem proper. All appointments and promotions of teachers shall be made upon the basis of merit, to be ascertained, as far as practicable, in cases of appointments, by examination, and in cases of promotion, by length and character of service. Examination for appointment shall be conducted by the Superintendent in accordance with the State law for the certification of teachers and under such other regulations as may be made by the Board. The Superintendent of Schools shall devote himself exclusively to the duties of his office, and shall have power to appoint clerks, whose number and salaries shall be fixed by the Board, and shall have power to remove the same; shall exercise a general supervision over the schools of the city, examine their conditon and progress and shall keep himself informed as to the progress of education in other cities. He shall advise himself of the need of extension of the School System of the city, shall make reports from time to time as may be fixed by the rules or directed by the Board, and shall be responsible to the Board for the condition of the instruction and discipline of the schools. The term "teachers," as used herein, shall include supervisors, supervising principals and principals.

§ 230.—**Business Director—Compensation—Duty**—The Board shall appoint a Business Director, who shall serve for a term of one year, but whenever a Business Director who shall have served one year shall be re-elected, his re-election shall be for a term of four years, but he may be removed at any time by a vote of three-fifths of the entire Board. His compensation shall not be changed during the term for which he is elected. The Business Director shall qualify by taking the prescribed oath, and shall be the executive officer of the Board. He shall execute for the Board in the name of the Board its contracts and obligations; he shall see that all contracts made by or with said Board are fully and faithfully performed; he shall have the care and custody of all property of the Board of Education, real and personal, except moneys; he

shall oversee the construction of buildings in process of erection and repairs of buildings owned or controlled by the Board; shall advertise for bids, and shall purchase all supplies and equipments authorized by the Board; and, generally, shall execute and carry into effect all matters and things of authority for which shall have been granted by the Board, as herein provided.

§ 231.—**Bond to be given by Business Director**—The Business Director shall devote his entire time to the duties of his office, and shall receive an annual salary to be fixed by the Board at the beginning of each term, and payable monthly out of the School Fund of the City. Before entering upon the discharge of the duties of his office he shall give a bond for the faithful performance thereof in the sum of ten thousand dollars, with a surety company, to be approved by the Board, which bond shall be paid for by the Board and be deposited with the Secretary and Treasurer within twenty days from date of election, and preserved by him.

§ 232.—**Janitors and Engineers to be Appointed by Business Director**—Subject to the approval of the Board of Education as to the number and salaries, the Business Director shall have power to appoint, with the approval of the Board of Education, as many engineers, janitors and other employes and agents as may be necessary for the proper performance of the duties of his department, for whom he shall be responsible, and whom he shall have power to remove; but the Board of Education may provide for a competitive examination for the positions of janitors and engineers; and when such provision shall have been made, the Business Director shall be required by the Board to appoint janitors and engineers from the list obtained by such examination. He shall appoint such assistants and deputies as may be authorized by the Board, whose compensation shall be fixed by the Board; and one of said assistants shall be a trained and educated mechanical engineer, qualified to design the heating, ventilating and sanitary machinery and apparatus connected with the school buildings. Such assistants and deputies shall be subject to removal by the Business Director who shall be responsible for the proper performance of their duties. He shall perform such other duties as may be required of him by the Board.

§ 233.—**Contracts to Lowest Bidders**—All contracts for the erection of school buildings and all contracts for repairs and alteration in school property, exceeding the amount of fifty dollars, shall be made by the Board after public letting to the lowest responsible bidder, but it may reject all bids. The necessary specifications and drawnigs shall be prepared for all such work, and bids therefor shall be solicited by such advertisement as the Board may provide. All other work of construction and repairs shall be made directly by the Business Director, as herein provided. For all work of construction and repairs authorized to be done directly by the Business Director he shall furnish the necessary specifications and drawings, except in cases of emergency, and where the cost shall not exceed the sum of two hundred dollars, and shall solicit bids for such work as may be provided for by the Board. No bids shall be entertained by the Business Director which are not made in accordance with the specifications furnished by him, and all contracts shall be let to the lowest responsible bidder complying with the terms of the letting; Provided, however, that the said Business Director shall have the right to reject any and all bids.

§ 234.—**Advertisement for Supplies**—The Board shall, at or prior to the beginning of each fiscal year, cause advertisements to be made under such regulations as it may provide for proposals for furnishing the supplies required in the schools and by the Board in the ensuing year; and every contract therefor shall be awarded to the lowest responsible bidder complying with the terms of the letting: Provided, however, that said Board shall have and reserve the right to reject all bids. If other supplies are required during the year, they shall be furnished under contracts awarded in like manner; but the Board may authorize the purchase of supplies not exceeding fifty dollars in amount without letting or contract. The Board shall make distribution of supplies through such agencies and in such manner as it deems proper.

§ 235.—**Secretary and Treasurer to be Appointed**—The Board shall appoint an officer, who shall be Secretary and Treasurer, and shall serve for a term of one year, but whenever a Secretary and Treasurer shall have served one year and be re-elected, his election shall be for a term of four years, but he may be removed at any time by a vote of three-fifths of the entire Board. He shall give

bond in such sum as the Board may require, which shall not be less than $50,000.00, with a Surety Company to be approved by the Board, such bond to be paid for by the Board and be deposited with the President of the Board within twenty days from date of election and preserved by him. The compensation of such officer shall be fixed by the Board of Education before his election, and shall not be changed during the term for which he is elected. He shall exercise, subject to the control of the Board, general supervision over the fiscal affairs of the public schools of the city, the collection and payment of funds to the school depositaries, and the disbursement of all revenues and moneys belonging to the Board. He shall record the proceedings of the Board in such manner as may be directed by the Board, and shall deposit daily in the designated depositary of the Board all moneys collected or received by him for the Board. He shall furnish to the Board at the beginning of each month a statement of receipts and disbursements of the preceding month; and at the end of the fiscal year he shall make to the Board a full and comprehensive report of its financial affairs for the preceding year. He shall be the custodian of all securities, documents, title papers, books of record and other papers belonging to the Board, under such conditions as the Board may direct. It shall be his duty to see that no liability is incurred or expenditure made without due authority of law, that appropriations are not overdrawn and that all expenditures are charged to the appropriations for which they are made. Subject to the approval of the Board, he shall have power to appoint assistants, for whom he shall be responsible and whom he may remove. He shall perform such other duties as may be required of him by the Board.

§ 236.—**Depositaries to be Selected**—The Board shall, in the month of June of each year, advertise for bids from the banks and trust companies in such city for the current deposits of such Board, to be secured by bond with surety to be approved by the Board in an amount to be fixed by the Board, and said bids shall specify the rate of interest to be allowed to said Board on such deposits and the nature of the security offered; and such deposits shall be annually awarded to the two institutions, banks or trust companies that offer, with the required security, the highest rates of interest therefor; and the Board shall cause contracts for the ensuing year

to be made with such banks or trust companies so receiving the award of such deposits. All moneys due the Board, from any source whatsoever, shall be paid to the Secretary and Treasurer, who shall thereupon cause all funds received to be paid into such designated depositaries, the balances in each to be kept as nearly equal as practicable. The fiscal year of the Board shall end on the 30th day of June of each year, and the annual contract shall be made in the month of June of each year for the deposits of the succeeding fiscal year. The funds of the Board deposited in bank shall be withdrawn only on the order of the Board, evidenced by the check of its Secretary and Treasurer, countersigned by the President of the Board, or, in his absence or disability by the Vice-president.

§ 237.—**Apportionment of Revenues**—It shall be the duty of the Board at the beginning of each fiscal year to apportion the revenues available for that year to the different departments, for expenditure in support of the schools for that year, and no report or resolution shall be adopted by the Board calling for the expenditure of money unless it states specifically the fund from which the appropriation is to be made, and is accompanied by the certificate of the Secretary and Treasurer showing sufficient balance in such fund available for such expenditure.

§ 238.—**Money May be Borrowed**—The Board shall have power to borrow money on the credit of the Board in anticipation of the revenue from school taxes for the fiscal year in which the same is borrowed and to pledge said school taxes for the payment of the principal and interest of said loan: Provided, that the interest paid shall in no case exceed six per cent. per annum and the principal shall in no case exceed fifty per cent. of the anticipated revenue.

§ 239.—**Tax Levy**—To raise money for the maintenance of the schools the General Council shall annually cause to be levied and collected a tax of not less than thirty-six cents (.36) on each one hundred ($100.00) dollars of property assessed for taxation for city purposes. Upon the completion of the assessment of property for taxation, the amount levied as above shall annually be passed to the credit of the school fund, upon the books of the city, and the said amount, as collected, shall be paid over to the Board by the Treasurer of the city, in regular monthly installments, the first payment

to be made within one week after the collection of said amount shall have been commenced and the other payments to be made weekly thereafter in current money by the said Treasurer as collected.

§ 240.—**School Fund**—For the maintenance of the schools there shall be appropriated the sum or sums which may be received from year to year as the City's portion of the school fund of this Commonwealth.

§ 241.—**Property to Escheat**—So much real or mixed property in the city, which from alienage, defect of heirs, failure of kindred or other causes, shall escheat to the Commonwealth of Kentucky shall vest in the Board for the use and benefit of the common schools. Said Board may, in the name of the Commonwealth, for the use and benefit of the common schools of the city, by its President or other officer to be designated by it, enter upon and take possession of said property or sue for and recover the same by an action at law or in equity, and without office found. The Board may sell and convey any of such property by warranty, deed or otherwise.

§ 242.—**Duty of Officers as to Collection of Taxes**—All officers of any city of the first class, and of the State, concerned with the assessment and collection of taxes, fines and penalties shall perform such duties in relation to the levying and collection of school taxes and the collection of such fines and penalties, and the payment thereof to said Board for school purposes, as are now imposed by the existing laws upon such officers in relation to the levy and collection of school taxes and the collection of fines and penalties payable to the school funds; and nothing in this Act, unless inconsistent therewith, shall be construed as repealing any existing law providing for the assessment and collection of school taxes in such city; and all powers and duties conferred by existing law upon any Board in relation thereto shall be continued in the Board created by this Act.

§ 243.—**Books to be Audited by Expert Accountant**—At the close of each fiscal school year the Mayor of such city shall appoint one or more expert accountants, who shall examine the books, accounts and vouchers of the Secretary and Treasury, Business Director, and all other departments of expenditures of the Board, and shall make due report thereof to the Mayor and Board of Education of such

city. All the officers and employes of the Board shall produce and submit to such accountants for examination of all books, papers, documents, vouchers and accounts in their office belonging to the same or thereto pertaining, and shall in every way assist said accountants in their work. In the report to be made by said accountants they may make any recommendation they deem proper as to the business methods of such officers and employes. A reasonable compensation for such services shall be paid by the Board.

§ 244.—**Kindergartens—Power to Establish**—The Board shall have the power to establish and maintain kindergartens for children from four to six years of age, high schools, manual training schools and a normal school and normal training classes for the purpose of training teachers to fill positions in the schools of the city, and to this end it may prescribe rules and regulations for the government of such schools, and as in other cases it may employ the principals and other teachers necessary for their efficient management.

§ 245.—**Separate Schools for White and Colored Children**—The Board shall provide, maintain and support separate schools wherein all colored children, who are bona fide residents of said city, between the ages of six and twenty years, may be taught in like manner as herein provided for white children. Said schools for colored children shall be entitled to the same benefits, be governed by the same rules and regulations, and be subject to the same restrictions as the schools herein provided for the white children.

§ 246.—**Qualifications of Pupils Fixed by Board**—The Board shall prescribe the necessay qualifications and mode of examination for applicants for admission to the various schools, and may furnish text books and necessary school supplies to pupils free of charge under such rules and regulations as it may adopt.

§ 247.—**Religious Dogmas**—No formula of religious belief shall be taught or inculcated, nor shall any class or any text book be used which reflects on any religious denomination.

§ 248.—**Pupils Admitted from beyond City**—The Board shall have power to admit to the school pupils from beyond the city limits, and shall collect from all persons so admitted tuition fees for the benefit of the school fund of the city, but may make equitable allowance or reduction for taxes paid for schools by such children

or their parents on property in the city. Children of persons residing outside of the city limits shall not be admitted as pupils into any of the public schools, except upon payment of such tuition as the Board may require as aforesaid.

§ 249.—**Reports to be Made—Census to be Taken**—A city of the first class being deemed one school district for taxation purposes and entitled to its proportion of the common school fund of the Commonwealth, the Board of Education of such city shall make detailed reports annually and special reports as required to the State Superintendent of Public Instruction. The Board shall also, in the year 1911, and every third year thereafter, take the census of children of school age and make returns thereof to the Superintendent of Public Instruction, at the same time other school officers are required to make returns; and for the neglect of this duty the members of the Board shall be liable to the same penalties. This census shall be taken under regulations approved by the State Board of Education. For the years in which no census is required to be taken, the Superintendent of Public Instruction shall determine the amount per capita to be paid over to the board of education of such cities by adding annually to the number of children of school age, as shown by the next preceding census actually taken, such increase or addition as he may ascertain to be the annual increase of children of school age in the district upon averaging the yearly increase shown by the three actual enumerations next preceding: Provided, however, that the Board of Education of any such city or the Superintendent of Public Instruction may elect to take an actual census in any of such years, in which case the return of such census shall govern.

§ 250.—**Report of Business Director and Treasurer**—The Board shall, at the end of each scholastic year, prepare and publish, for the information of the public, a report which shall include the annual reports made to the Board by the Superintendent, Business Director and Secretary and Treasurer, together with such other information as may be proper and necessary to an understanding of the general condition and educational progress of the schools during the preceding year.

§ 251.—**Penalty**—Any member, officer or employe of such Board who shall wilfully violate any of the provisions of this act

shall be deemed guilty of a misdemeanor, and on conviction shall, unless otherwise herein provided, be punished by a fine of not more than five hundred dollars or imprisonment not exceeding one year, or by both fine and imprisonment, in the discretion of the jury. But nothing herein contained shall be construed as suspending the general criminal laws of the State so far as applicable.

§ 252.—**Repealing Clause**—The general school laws of this State and all laws and parts of laws applicable to the general system of common schools in a city of the first class and not inconsistent herewith, shall be in full force and effect in such city. (Act of 1910.)

OLD LAW

(Note.—The following sections of the old law as to cities of the First Class are inserted for the reason that there is doubt as to whether or not they are repealed by the act of 1910.)

§ 253.—**Appropriation of Money**—No appropriation of money shall be made by the board, except upon the affirmative vote of a majority of the members. The vote shall be entered upon its records.

§ 254.—**Record of Proceedings**—All proceedings of the board shall be entered in a book provided for that purpose. This book shall be a public record, and at all times be open to the inspection of the citizens.

§ 255.—**Adoption of Text Books**—The board shall prescribe the branches of education to be taught and the text books to be used. Text books once adopted shall not be changed except by unanimous consent of the board until notice of said proposed change shall be given and entered upon the records of the board one full scholastic year, and then only by the affirmative vote of not less than two-thirds of the members.

§ 256.—**Perquisites**—No fees or perquisites shall be received by said secretary. Interest paid on deposits must be accredited to the board.

§ 257.—**Charges Against Officers and Teachers**—In investigation of charges or complaint against any of its members, officers, principals, teachers or other employes, the board, or its committee on grievances, shall have the power to summons witnesses, and by its chairman administer oath. Any wilfull disregard of said sum-

mons or process may be punished by any judge of the circuit court on complaint of the board as contempt of such court is punished.

§ 258.—**Punishment of Members**—The board may punish its members for misconduct by reprimand or expulsion from office, and punish its officers, principals, teachers and employes by reprimand, suspension, forfeiture of pay or dismissal, as it may judge appropriate for the offense committed. Any officer or member of said board who shall receive any money or other thing of value directly or indirectly, for his vote or influence in favor of any measure upon which he shall act officially, shall be deemed guilty of a felony, and, upon conviction thereof, be confined in the penitentiary not less than two nor more than ten years.

§ 259.—**Appropriations**—For the maintenance of the schools there shall be appropriated the sum or sums which may have been received from year to year as the city's portion of the school fund of this Commonwealth.

§ 260.—**Certificate of Teachers**—A certificate granted to any person shall be void, if the holder thereof shall not receive regular employment of the board within five years from its date, but may be renewed by another examination. The board may revoke any certificate issued by it for any cause by it deemed sufficient.

§ 261.—**Census—Enumerator, Per Diem—Penalty of Fraud—Average Census**—The secretary of the board shall employ, subject to the approval of the board, a sufficient number of enumerators to take the census within the time required by law and may, subject to the same approval, remove without notice, any enumerator for incompetency, neglect of duty, malfeasance or misfeasance, and at once fill a vacancy arising from this or any other cause; Provided, however, that said school board shall be allowed thirty additional days if in their opinion the same is deemed necessary for an accurate and complete census. Each enumerator shall be at least twenty-one years of age and a bona fide resident of the ward whose territory or a part of whose territory he is appointed to enumerate, and shall take an oath or affirmation that he will take the census accurately and truly to the best of his skill and ability. The census shall be returned by wards, each block of which shall be enumerated on a separate list or lists, the street and number of residence, if any, of such person so listed, to be given. The list shall be made out in

duplicate, one to be filed with the school board and one to be forwarded to the Superintendent of Public Instruction as aforesaid. No enuemrator shall take the census of any child not residing in the territory to which he is assigned nor of children who have recently removed into the district and who have been previously reported in the census of pupil children for the year in the district from which they have removed or who have recently removed into the district from another State or county. Nor shall more than one enumerator be assigned to the same territory. In case of any parent, guardian, head of family, master of apprentice or any person employing, having charge of or harboring any child entitled to school privileges, shall refuse to report to the enumerator any facts required herein necessary to the full and accurate census, he shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than five nor more than twenty-five dollars. Each enumerator shall, when making return of said census to the secretary of the board, make affidavit or affirmation that he has returned the enumeration in accordance with the provisions of this act, to the best of his knowledge and belief, and that such list contains the name of all persons entitled to be enumerated, and no others. Each oath or affirmation provided for in this section, shall be made a part of the blanks on which the census is taken, and a matter of record in both the office of the school board and that of the Superintendent of Public Instruction. Each enumerator shall be allowed reasonable compensation per diem for his services to be paid out of the school fund of said city. Any school officer, or other person appointed as enumerator, or any officer through whose hands the schools census required by this act shall pass, who shall knowingly enumerate persons not entitled to be listed, or who shall in any manner, add to or take from the number actually enumerated, shall in addition to being liable to punishment for the crime of false swearing, be deemed guilty of a misdemeanor, and, upon conviction of such offense, shall be fined in any sum not less than five nor more than one hundred dollars, or imprisoned in the county jail not less than ten nor more than thirty days, in the discretion of the court. The county superintendent of the county in which such cities are located, shall have no control over the schools in such districts, but the same shall be governed in all respects as herein provided. For

the years in which no census is required to be taken hereunder, the Superintendent of Public Instruction shall determine the amount of per capita to be paid over to the school board of such cities, by adding annually to the number of children of school age as shown by the next preceding census actually taken, such increase or addition as he may ascertain to be the annual increase of children of school age in the district upon averaging the yearly increase shown by the three actual enumerations next preceding: Provided, however, That the school board or Superintendent of Public Instruction may elect to take an actual census in any of such years, in which case the return of such census shall govern. The Superintendent of Public Instruction shall in his biennial report give statement of the estimated census for any years included in said report wherein distribution of per capita may have been made upon estimated census, as provided herein, in such manner as to show clearly the actual enumeration upon which such estimates may have been based and the manner in which the estimated census has been computed.

§ 262.—Members of the board shall not be elsewhere called in question for language used in debate.

CHAPTER XVII.

PUBLIC SCHOOLS IN CITIES OF THE SECOND CLASS

§ 263.—**Board of Education—Powers and Duties**—There shall be maintained a system of public schools, at which all children who are bona fide residents of the city between the ages of six and twenty years may be taught at the public expense, and schools may be opened as a part of said system to teach children of the ages of four, five and six years by the kindergarten method. Said schools shall be under the control of a board, to be styled the "Board of Education," consisting of two trustees from each ward in the city, to be elected however, by the qualified voters at large of the city. Said board of education shall continue and they are hereby declared, a body-politic and corporate, under the name and style of "Board of Education," with perpetual succession; and by that name may contract and be contracted with, sue and be sued, have and use a corporate seal, the same to alter or renew at pleasure; may pur-

chase, receive, hold, lease and dispose of real and personal estate for public school purposes. The control and management of the public schools of the city and the property and funds thereunto belonging, shall be, and is hereby, vested in said board, subject to the provisions of this act. They shall have power to make by-laws and rules, not in conflict herewith, necessary for the discharge of their duties and the government of their proceedings. They shall meet once in each month, or oftener if necessary, but it shall require a majority of the members-elect of said board to constitute a quorum for the transaction of business, and for the appropriation of money or the execution of a contract, the concurrence of a majority of the members-elect of said board shall be indispensable, and upon a call for the yeas and nays, to be entered of record. The meeting of said board shall be held in some public place, and a correct record of their proceedings shall be kept in a book provided for that purpose, which shall be a public record, and open to inspection by any officer or citizen of the city.

§ 264.—**Qualification of Members**—Said board of education shall determine for itself the qualification and election of its members. They shall have the power to fill, until the next general election, all vacancies in said board, occasioned by death, removal or otherwise, and all returns of election shall be made to the clerk of said board, who, by direction of the board, shall issue certificates of election.

§ 265.—**Funds—How Obtained**—All the property now used for public school purposes in the city, or which may, at any time, be owned by the board of education, and all the funds or means that may, at any time, come under the control of same, are hereby forever dedicated to the purpose of public schools of the city, and the title to all property, real and personal, and the property itself, in the city, known and used as public school property, are hereby vested in said corporation, and the same shall forever remain free from any debt or liability of the city, and free from any city or State taxation.

§ 266.—**Teachers—Election and Appointment—Power to Erect Buildings—Purchase Site**—Said board shall have power to elect and appoint such superintendent, principal and teachers as they may deem necessary for the public school, regulate and fix their salaries, and may, at any time, suspend or remove them, or any of them, by a vote of two-thirds of the members-elect of the board. Said board

may purchase, build or rent any ground, building or buildings necessary or convenient for public school purposes, and may make contracts to that end; and any property so leased, purchased, or otherwise occupied, may be reserved by terms, deed or lease to the public schools of the city; and, if so reserved, shall not be liable for any debt or debts of the city not incurred for public school purposes. Said board may also receive and hold to public school purposes any gift or devise.

§ 267.—**Powers of Board of Education**—Said board shall prescribe the branches of education to be taught, the necessary qualifications, and mode of examination, and the number of teachers to be annually admitted to each school. They shall fix the boundaries of the districts within which children shall be admitted to each school; but the majority of said board may permit children residing in one district to attend school in another. They may establish high schools and fix a grade of public schools, and prescribe the rules by which pupils may pass from one grade to another, and from the graded to the high school.

§ 268.—**Religious Instruction**—All children entitled shall have equal right of admission to, and benefits of, said school, wherein no catechism or other form of religious belief shall be taught or inculcated; nor shall any class book be used therein which reflects upon any religious denomination or sect; neither shall any of said schools be so conducted as to interfere with the religious faith or creed of either parents or pupils.

§ 269.—**Reports**—Said board shall, at the end of each scholastic year, prepare and cause to be published, a printed statement showing the number of admissions in, expulsion from, and present number of pupils in each school, with the general condition, and the educational progress made therein; the amount, character and condition of all funds and other property belonging to said schools, together with such other information as may be proper and necessary for the benefit of said schools and the general public.

§ 270.—**Estimate of Expenses—Levy and Collection of Taxes—Money—Power to Borrow—May Issue Bonds**—Said board shall annually, in the month of January, approximately ascertain the amount of money necessary to be used to defray the expenses of maintaining the schools, improving or constructing of buildings et-

cetera, thereof, and any liquidations of the liabilities during the current fiscal year, and report the same, together with the amount to be received from the common school fund of the State of Kentucky (which amount the board shall ascertain by taking the census required by law, in April) to the Auditor, and thereupon the general council shall, at the request of said board, levy and collect such taxes as may be requested, and the money arising from said levy shall, under the direction and control of said board, be used for the benefit of the common schools and for the purpose of paying off the indebtedness of said board. Provided, That said levy shall not, in any one year, exceed thirty-five cents on each one hundred dollars valuation, and ten cents on each one hundred dollars valuation additional for sinking fund purposes, as returned by the board of equalization on all taxable property in the city. And provided further, That this act shall not be so construed as to prevent said board from receiving and expending any sum or sums that may come to them by gift, devise or any law of the State. The tax bill for all taxes levied by the general council for the public schools shall be made out by the city clerk and included in the tax bills containing the ordinary levy, and shall be collected with the same by the same officer and in the same manner that the ordinary levies are collected by the collecting officer; and the powers and duties conferred and required of officers in collecting the ordinary city taxes are hereby conferred and required of them in collecting the taxes levied for said public schools, and such collecting officer and his sureties shall be liable under his official bond for any failure to perform his duties, upon which bond suit may be brought for the use of said board and recovery had for such amount as shall be found due thereon. All such sums of money, when collected and paid into the city treasury, shall be set apart to, and passed over to, the common school fund, subject to, and drawn out only by, the order of said board, as provided by law and ordinances of said board then existing. Said board of education shall have the power to borrow money on the credit of the board in anticipation of the revenue from school taxes for the fiscal half year in which the same is borrowed and pledge said school taxes for the payment of the principal and interest of said loan: Provided, That the interest paid shall in no case exceed 6 per cent. per annum and the principal

shall in no case exceed 50 per cent. of the anticipated revenue. Said board of education shall have power to issue school bonds to run for not exceeding forty years for an amount not exceeding one hundred and fifty thousand dollars, sufficient to purchase sites and erect and equip school houses; Provided, That said bonds do not bear exceeding six per cent. per annum interest, payable semi-annually, and shall not be sold for less than par and accrued interest, and the proceeds of said bonds shall be used exclusively for the purposes named in this act and shall not be in violation of the Constitution of this Commonwealth. And provided, That said bonds shall not be issued without the assent of two-thirds of the voters of said city voting at an election to be held for that purpose: And provided, That, wherever the assent of two-thirds of the voters of said city has heretofore been obtained at an election held for that purpose, in conformity with the provisions of this act, said assent is hereby declared to be as binding and legal and shall have the same force and effect as if obtained since the passage of this act. And provided, Any indebtedness contracted in violation of this section shall be void. And provided further, That it shall be the duty of the county officers entrusted with the duty of conducting elections to hold said elections when requested so to do by said board of education, and the holding of said election shall be after fifteen days' notice in the official paper of the city, and the conduct and returns of said election shall be made as provided in the general election law. And provided, The board may pledge the property so purchased and equipped with the proceeds of said bonds and all other school property and the revenue of said board for the payment of the principal and interest of said indebtedness. And provided, That said board of education shall annually request the general council of said city to provide for the collection of a sinking fund tax sufficient to pay the interest on said indebtedness at the time of contracting the same and to create a sinking fund for the payment of the principal thereof within the term for which said bonds are issued, and said general council shall also levy and collect such other school taxes as may be requested by the board of education within the limit fixed by statute.

§ 271.—**Non-Resident Pupils**—Said board shall have power to admit to said schools pupils from beyond the limits of the city, and

may collect therefrom tuition fees, for the benefit of the school fund of the city, and no children of persons residing beyond said limits shall be admitted as pupils in any of said schools, except on payment of such tuition fees as said board may require. Said board may elect or appoint such employes as they deem necessary, and shall prescribe and fix the compensation of each, and may dismiss the same at pleasure.

§ 272.—**Teachers—Examination**—Said board may appoint a board of examiners, to consist of not less than two nor more than five competent persons, whose duty it shall be, together with the superintendent, to examine under such rules and regulations as may be prescribed by the board, into the qualifications of all applicants for a position as superintendent, principal or teacher of said schools. Provided, That no person other than the superintendent, shall be a member of said board of examiners, who shall be employed in or connected with the public schools of the city. Said board of examiners shall receive such compensation, and perform such duties as may be prescribed by said board.

§ 273.—**Separate Schools for White and Colored Pupils**—The said board of education shall provide, maintain and support separate schools wherein all colored children, who are bona fide residents of said city, between the ages of six and twenty years, may be taught in like manner as herein provided for white children. Said colored schools shall be entitled to the same benefits, be governed by the same rules and regulations, and be subject to the same restrictions as the schools herein provided for the white children.

§ 274.—**Member—Officers—Bribery**—No member of the board of education, or officer, or teacher, or employe thereunder, shall be, directly or indirectly, interested in any contract, with work done for or by, or furnishing of supplies, or sale of property to or for, the said board, be in arrears to it for money collected or held, without a quietus therefor; having been convicted of malfeasance in office, bribery or other corrupt practice or crime, or hold any office, or employment in any company or corporation which has been, or is an applicant for any contract with said board (stockholders in such companies or corporations are not, however, herein included); but they shall not vote on, or interfere directly or indirectly, with any matter or question affecting such company or corporation, in

any matter whatever, other than common with the general public, nor use his official position to secure the patronage of the teachers or employes of said board. Any person violating the provisions of this section shall be guilty of a misdemeanor, and shall forfeit his office or position, and be ineligible to be a member of, hold any office or employment under, said board.

§ 275.—**Normal School—Power to Establish**—The board shall have power to establish and maintain a normal school or normal training class for the purpose of training the graduates of the high school and others to be teachers in the schools of the city, and to this end it may prescribe such rules and regulations for the government of said normal school or normal training class, and employ a principal and other teachers, as may be necessary for the maintenance of the said normal school or normal training class.

§ 276.—**Treasurer—Powers—Duties**—The treasurer of the city shall be treasurer of said board of education, and as such shall keep separate and distinct from all other funds all moneys, bonds and securities belonging to, or which may hereafter be dedicated or set apart for, public schools, and shall only pay out or deliver any of said funds, bonds or securities upon the warrant of said clerk, and approved by the president of the board of education, and shall perform such other duties as may be prescribed by said board.

§ 277.—**Clerk—Powers—Duties**—Said board shall have power to appoint a clerk, and prescribe his duties and term of office, fix his compensation, and pay the same out of the school fund, and shall require of him bond and security, if they deem the same necessary. The proceedings of the board of education and copies therefrom, certified by its clerk, shall be taken in the same manner and have the same force and effect in courts and elsewhere as are now given to the proceedings of the general council.

§ 278.—**Funds**—Said board of education shall have exclusive control of all school funds of the city, from whatever source the same may be derived, including the pro rata of the city from the common school fund from the State of Kentucky. They shall have the right to receive all fines, forfeitures and taxes that may inure to the benefit of the public schools of the city. They shall have power to expend all moneys in the interest of the public schools in the city, and the warrant of the city clerk, and approved by the presi-

dent of the board, shall be honored by the treasurer to the amount of the school fund in the treasury.

§ 279.—**Indebtedness**—All indebtedness, bonded or otherwise, and all liabilities and contracts of the school board existing at the time this takes effect, and all taxes, funds, sinking funds or other resources that have been pledged or set apart for the payment of the principal or the interest thereof, shall continue unimpaired and remain of the same force and effect as though the same had been authorized and contracted by the express provision of this law, and said board may refund any debt by the issuance of bonds.

§ 280.—**Funds—Appropriation by Board**—No money shall be drawn from the fund unless the same has been appropriated by order of the board of education, and no appropriation of money shall be made to be paid out of said school fund, unless the money shall actually be in the treasury to meet the draft; and if any appropriation shall be made, and there shall be no money in the treasury at the time of the making of said appropriation with which to pay the same, the members or the board of education voting therefor shall be individually liable to any party injured for the amount of damages sustained in consequence thereof.

§ 281.—**Members of Board—Election**—At the first general election under this act there shall be elected, as members of said board of education, two persons, to be elected from each ward of the city, but elected by the qualified voters at large of the city, subject to modifications as to the qualifications of voters herein prescribed. The one person from each ward receiving the highest number of votes for two years, and the one from each ward receiving the next highest number of votes for one year, and in case two receive the same number of votes, the time shall be decided by lot. And on the same day of each year thereafter there shall, in like manner, be elected one person from each ward by the voters at large as a member of said board for two years. All persons elected under this section shall assume the duties of his office on the first Monday in January following said election. Trustees in office, whose time has not expired when this act takes effect, shall remain in office until their successors are elected and qualified.

§ 282.—**President of Board**—Said board of education shall elect from their own number a president for the term of two years, and

may prescribe who shall preside in his absence, and make all necessary rules prescribing the duties of the presiding officer, and the government of themselves.

§ 283.—**Election—Secret Ballot**—All votes at election of members of said board shall be by secret ballot, and after such registration and subject to such rules and regulations as to manner of registration as may be prescribed by law for election of State officers.

§ 284.—**Voters—Qualifications**—All persons possessing the qualifications required by this act to make them eligible to election as members of the board of councilmen shall be eligible to membership in the board of education, and all persons possessing qualifications required by this act, or which may be prescribed by ordinance, in order to vote at elections for city officers, are hereby declared qualified to vote at all elections for members of the board of education, and women who may possess such other qualifications required for males are hereby declared to be eligible as members of said board of education, but not eligible or qualified to vote at any election for a member or members of said board. (Act of 1902.)

§ 285.—**Election**—The election of members of the board of education and the registration of voters for the purpose of such election shall be held in all respects according to the provisions of the general laws governing registration and elections, and no separate poll or voting place shall be required for such registration or election. (Acts of 1902.)

§ 286.—In any city of the second class, where members of the school board were elected at the general election, 1893, such members so elected shall hold their respective office until the regular election in 1895. In any city, where no such election was held, the mayor thereof shall appoint two members of said board from each ward in the city, subject to the approval of the board of aldermen, and the board so appointed shall hold their office, exercise the powers, and be subject to the regulations of this act, until the regular election in 1895.

Approved March 19, 1894.

Amended by Act approved March 21, 1902.

CHAPTER XVIII.

PUBLIC SCHOOLS IN CITIES OF THE THIRD CLASS

§ 287.—**Board of Education—Election—Qualification—Time of Meeting**—There shall be maintained a system of public schools at which all the children residing in the city between the ages of six and twenty years may be taught at the public expense. Said schools shall be under the control of a board to be styled "The Board of Education," consisting of two trustees from each ward in the city, to be elected at the general November election in 1893, by the qualified voters of the city at large. The trustees so elected shall hold their offices one-half for two years and one-half for four years, as shall be determined by lot at the first regular meeting after the election. And at the general election, every two years thereafter, there shall be elected by the qualified voters of the city at large one trustee from each ward in the city in which the term of his predcessor in office will then expire. Said trustee shall possess the same qualifications as are required for councilmen. Said board of education shall continue, and it is hereby declared, a body-politic and corporate, under the name and style of board of education, with perpetual succession, and by that name may contract and be contracted with, sue and be sued, have and use a corporate seal, the same to renew or alter at pleasure; may purchase, receive, hold, lease, sell and dispose of real and personal estate for public school purposes. The control and management of the public schools of the city, and the property and funds thereunto belonging, shall be, and is hereby, vested in said board, subject to the provisions of this law. It shall have power to make by-laws and rules, not in conflict herewith, necessary for the discharge of its duties and the government of its proceedings. It shall meet once in each month, or oftener if necessary, and a majority elect of said board shall constitute a quorum for the transaction of business and for the appropriation of money or the execution of a contract, the concurrence of two-thirds of the members elect of said boards shall be indispensable, and the yeas and nays shall be entered of record. The meetings of said board shall be held in some public place, and a correct record of its proceedings shall be kept in a book provided for that purpose, which shall be a public record.

§ 288.—**Members—Qualification—Vacancies**—Said board of education shall determine the qualification of its members. It shall have the power to fill until the next general election all vacancies in said board occasioned by death, removal or other cause.

§ 289.—**Funds—Vested in Board of Education**—All property now used for public school purposes in the city, or which may at any time be owned by the board of education, and all the funds or means that are now or may hereafter come under the control of the same, are hereby forever dedicated to the use of public schools of the city, and the title to all property, real and personal, in the city known and used as public school property, is hereby vested in said corporation.

§ 290.—**Appointment of Officers and Teachers—Power to Build and Purchase Site**—Said board of education shall have power to elect or appoint such officers as may be necessary for its own government, and to require covenant with surety from any or all officers for the faithful discharge of their duties; to make by-laws not in conflict with this charter, the Constitution or laws of this State, for the carrying out of the duties of their office, and for the government of its own officers, schools, teachers, pupils and employes; to determine its own rules of proceedings, and to appoint superintendents, teachers and other officers, and employes, and regulate and fix their terms, duties and compensation, and suspend or remove them or any of them for cause. Said board may purchase, build or rent any ground, building or buildings, necessary or convenient for the public school purposes, and may make contract to that end; and any property so leased, purchased or otherwise occupied, may be reserved by terms, deed or lease to the public schools of the city, and if so reserved, shall not be liable for any debt or debts of the city not incurred for public school purposes. Said board may also receive and hold, for public school purposes, any gift or devise.

§ 291.—That said board of education shall have the power, two-thirds of the trustees in office concurring therein, to be evidenced upon the call of the yeas and nays, and recorded upon the journal of its proceedings, to sell and convey such of said school property for the purpose of reinvesting all the net proceeds of the same in the purchase of other lots, and buildings thereon, other school buildings. And said board of education shall have no power to

divert or apply said fund, or any part of it, to any other purpose whatsoever than for the purchase of grounds and the building thereon school buildings for public school purposes, and if it do so, the same shall be malfeasance in office.

§ 292.—**Text Books—Adoption—Issue of Certificates**—Said board of education shall have the power to select text books for use in said school, and prescribe the course of study, and it shall also have power to hold examinations, determine the qualifications of its superintendent, principals, teachers, and issue certificates to same. It may establish high schools and fix the grade of public schools, and prescribe the rules by which pupils may pass from one grade to another, and from the graded school to the high school. It may also establish and maintain kindergartens and manual training schools in connection with the public school.

§ 293.—**Reports**—Said board shall at the end of each scholastic year prepare and cause to be published a printed statement showing the number of pupils in each school, with the general condition and educational progress made therein, the amount, character and condition of all funds and other property belonging to said schools, together with such information as may be proper or necessary for the benefit of said schools and the general public.

§ 294.—**Estimate of Expense—Levy and Collection of Taxes**—Said board shall, within thirty days prior to the time prescribed for the levy to be made in the charter of cities of the third class, approximately ascertain the amount of money necessary to be used to defray the expenses of maintaining the schools, improving or constructing buildings, etc., thereof, and any liquidation of the liabilities during the current fiscal year, and report the same, together with the estimated amount to be received from the common school fund of the State, interest on bonds, endowments, etc., to the city auditor or clerk, who shall thereupon report the same to the general council, and said general council shall make the necessary levy and collect the tax to provide suitable school buildings, and to defray the general expenses necessary for school purposes: Provided, That the levy for any one year shall not exceed fifty cents on each one hundred dollars of value of taxable property in the city as returned by the board of equalization. Said tax shall be paid to the board or authorized agent of same as fast as collected.

§ 295.—**Separate Schools for White and Colored Pupils**—Said board of education shall provide and maintain, out of the funds levied or otherwise provided for the purpose, suitable buildings, teachers, and other employes, sufficient for the education of all children of the city between six and twenty years of age, and shall provide separate buildings and schools for the education of white and black pupils; and no white child shall be allowed to attend any colored school, nor any colored child shall be allowed to attend any white school.

§ 296.—**Oath of Trustee**—The trustees shall, before entering upon the duties of their office, take the oath, or make affirmation, as prescribed by law.

§ 297.—**Trustee—Qualification**—No member of the board of education shall be or become, directly or indirectly, interested in any contract, agreement or trade, touching the building of school houses, repairing of school property, selection of text books or other thing, or use his official position to secure the patronage of the teachers or employes of the schools. No member of the board of education shall receive any salary for his services as such.

§ 298.—**Treasurer—Power—Duties**—Said board of education shall elect its own treasurer and fix bond of same, who shall keep a distinct account of all moneys belonging unto, or which may hereafter be dedicated to, or set apart for, public schools, and shall only pay out or deliver any of said funds, upon the warrant of the board of education, countersigned by the secretary, and approved by the president of the board of education, and shall perform such other duties as may be prescribed by said board.

§ 299.—**Power over Funds**—Said board of education shall have exclusive control of all school funds of the city, from whatever source the same may be derived, including the pro rata of the city from the common school fund of the State. It shall have the right to receive all fines, forfeitures and taxes that may inure to the benefit of the public schools of the city. It shall have power to expend all moneys in the interest of public schools of the city, and the warrants of the board of education, countersigned by the secretary and approved by the president of the board, shall be honored by the treasurer to the amount of the school funds in his custody.

§ 300.—**Indebtedness**—All indebtedness, bonded or otherwise, and all liabilities and contracts of the school board, existing at the time this law takes effect, and all taxes, funds, sinking funds, or other resources that have been pledged or set apart for the payment of the principal and interest thereof, shall continue unimpaired and remain of the same force and effect as though the same had been authorized and contracted by the express provision of this law.

§ 301.—**Funds—Paid on Order of Board**—No money shall be drawn from the funds, unless the same shall have been appropriated by order of the board of education, and no appropriation of money shall be made to be paid out of said school funds, unless the money shall actually be in the treasury to meet the draft.

§ 302.—**President of Board**—Said board of education shall elect from its own number a president, for the term of two years, and may prescribe who shall preside in his absence, and make all necessary rules, prescribing the duties of the presiding officer and the government of itself; and said board shall also elect a secretary, at a salary to be fixed by the board, whose duty it shall be to keep a record of the proceedings of all regular and special meetings, countersign all warrants and contracts, and whose term of office shall be two years.

§ 303.—**Library—Right to Establish**—Said board of education shall have the power and right to establish and maintain a public school library, out of any funds coming into its hands, except that received by taxation, or from the State funds, and also to purchase text books for indigent children of the city, and to otherwise expend such moneys in the interest of the public schools. Said board of education shall have the power and right to make rules and regulations governing said school library.

§ 304.—**Non-Resident Pupils**—Said board shall have power to admit to said school pupils from beyond the limits of the city, and may collect therefrom tuition fees for the benefit of the schools of the city, making deduction of taxes for school purposes on property in said city paid by parents of said children; and no children of persons residing beyond said limits shall be admitted as pupils of any of said schools except on payment of such tuition fees as said board may require.

§ 305.—No section of this chapter shall be so construed as to repeal in any wise any special act or amendment thereto heretofore

passed for any city of the third class for the establishment, maintaining and carrying on a high school.

§ 306.—For the reason that cities of the third class, in the operation of their government, need at once some of the provisions of this act, and owing to the manner of elections, an emergency is declared to exist, and this act shall take effect from its approval by the Governor. (Act approved June 14, 1893.)

CHAPTER XIX.

PUBLIC SCHOOLS IN CITIES OF THE FOURTH CLASS

§ 307.—**Board of Education—Powers—Duties—Qualification**—There may be maintained a system of public schools, at which all the children residing in the city between the ages of six and twenty years may be taught at the public expense. Said school shall be under the control of a board, to be styled "The Board of Education," consisting of two trustees from each ward in the city, to be elected at the general November election in the year one thousand eight hundred and ninety-three, by the qualified voters of the city at large. They shall meet and qualify on the first Monday in January after their election. The trustees so elected shall hold their offices one-half for two years and one-half for four years, as shall be determined by lot, at the first regular meeting after the election; every two years thereafter, there shall be elected by the qualified voters of the city at large, one trustee from each ward in the city in which the term of his predecessor in office will then expire. Said trustees shall possess the same qualifications as are required for a councilman. Said board of education shall continue, and it is hereby declared, a body politic corporate, under the name and style of board of education, with perpetual succession, and by that name may contract and be contracted with; sue and be sued; have and use a corporate seal, the same to renew or alter at pleasure; may purchase, receive, hold, lease, sell and dispose of real and personal estate for public school purposes. The control and management of the public schools of the city, and the property and funds hereunto belonging, shall be, and is hereby, vested in said board, subject to the provisions of this law. It shall have power to make by-laws and rules not in conflict herewith, necessary for the discharge of its

duties and the government of its proceedings. It shall meet once in each month, or oftener if necessary, and a majority-elect of said board shall constitute a quorum for the transaction of business, and for the appropriation of money or the execution of a contract, the concurrence of two-thirds of the members-elect of said board shall be indispensable, and the yeas and nays shall be entered of record. The meetings of said board shall be held in some public place, and a correct record of its proceedings shall be kept in a book provided for that purpose, which shall be a public record.

§ 308.—Said board of education shall determine the qualification of its members. It shall have the power to fill, until the next general election, all vacancies in said board occasioned by death, removal or other cause.

§ 309.—**Funds—How Vested**—All property now used for public school purposes in the city, or which may at any time be owned by the board of education, and all the funds or means that are now or may hereafter come under the control of the same, are hereby forever dedicated to the use of public schools of the city, and the title to all property, real and personal, in the city, known and used as public school property, is hereby vested in said corporation.

§ 310.—**Election of Officers—Teachers**—Said board of education shall have power to elect or appoint such officers as may be necessary for its own government, and to require covenant with surety from any or all officers for the faithful discharge of their duties; to make by-laws not in conflict with this charter, the Constitution or laws of this State, for the carrying out the duties of their office, and for the government of its own officers, schools, teachers, pupils and employes; to determine its own rules of proceedings, and to appoint superintendents, teachers and other officers and employes, and regulate and fix their terms, duties and compensation, and suspend or remove them, or any of them, for cause. Said board, by and with the concurrence of the city council, may purchase, build or rent any ground, building or buildings, necessary or convenient for the public school purposes, and may make contract to that end; and any property so leased, purchased or otherwise occupied, may be reserved by terms, deed or lease to the public schools of the city and if so reserved shall not be liable for any debt or debts of the city not incurred for public school purposes. Said board may also receive and hold, for public school purposes, any gift or devise.

§ 311.—**Property—Power to Sell**—That said board of education shall have the power two-thirds of the trustees in office concurring therein, to be evidenced upon the call of the yeas and nays, and recorded upon the journal of its proceedings, by and with the concurrence of the city council, to sell and convey such of said school property for the purpose of reinvesting all the net proceeds of the same in the purchase of other lots and building thereon other school buildings. And said board of education shall have no power to divert or apply said fund or any part of it to any other purpose whatsoever than for the purchase of grounds and the building thereon school buildings for public school purposes and if it do so the same shall be malfeasance in office.

§ 312.—**Text Books—Adoption—Issue Certificates**—Said board of education shall have the power to select text books for use in said schools, and prescribe the course of study, and it shall also have power to hold examinations, determine the qualifications of its superintendent, principals, teachers, and issue certificates of same. It may establish high schools and fix the grade of public schools, and prescribe the rules by which pupils may pass from one grade to another, and from the graded school to the high school. It may also establish and maintain kindergartens and manual training schools in connection with the public school.

§ 313.—**Reports**—Said board shall, at the end of each scholastic year, prepare, and cause to be published, a printed statement, showing the number of pupils in each school, with the general and educational progress made therein, the amount, character and condition of all funds and other property belonging to said schools, together with such information as may be proper or necessary for the benefit of said schools and the general public.

§ 314.—**Estimate of Expenses—Levy and Collection of Taxes**—Said board shall, within thirty days prior to the time prescribed for the levy to be made in the charter of cities of the fourth class, approximately ascertain the amount of money necessary to be used to defray the expenses of maintaining the schools, improving or constructing buildings, et cetera, thereof and any liquidation of the liabilities during the current fiscal year, and report the same, together with the estimated amount to be received from the common school fund of the State, interest on bonds, endowments, et cetera, to the city auditor or clerk, who shall thereupon report the same

to the city council, and the said city council shall make the necessary levy, and collect the tax to provide suitable school buildings, and to defray the general expenses necessary for school purposes: Provided, That the levy for any one year shall not exceed fifty cents on each one hundred dollars of value of taxable property in the city as returned by the board of equalization. Said tax shall be paid to the board or authorized agent of same as fast as collected.

§ 315.—**Separate Schools for White and Colored Pupils**—Said board of education shall provide and maintain, out of the funds levied or otherwise provided for the purpose, suitable buildings, teachers, and other employes, sufficient for the education of all children of the city between six and twenty years of age, and shall provide separate buildings and schools for the education of white and black pupils; and no white child shall be allowed to attend any colored school, nor shall any colored child be allowed to attend any white school.

§ 316.—**Oath of Trustee**—The trustees shall, before entering upon the duties of their office, take oath, or make affirmation, as prescribed by law.

§ 317.—No member of the board of education shall be or become, directly or indirectly, interested in any contract, agreement or trade, touching the building of schoolhouses, repairing of school property, or use his official position to secure the patronage of the teachers or employes of the schools. No member of the board of education shall receive any salary for his services as such.

§ 318.—**Treasurer—Power—Duties**—Said board of education shall elect its own treasurer and fix bond of same, who shall keep a distinct account of all moneys belonging unto, or which may hereafter be dedicated to, or set apart for, public schools, and shall only pay out or deliver any of said funds upon the warrant of the board of education, countersigned by the secretary, and approved by the president of the board of education, and shall perform such other duties as may be prescribed by said board.

§ 319.—**Funds**—Said board of education shall have exclusive control of all school funds of the city, from whatever source the same may be derived, including the pro rata of the city from the common school fund of the State. It shall have the right to receive all fines, forfeitures and taxes that may inure to the benefit of the public schools of the city. It shall have power to expend all moneys

in the interest of the public schools of the city, and the warrants of the board of education, countersigned by the secretary and approved by the president of the board, shall be honored by the treasurer to the amount of the school funds in his custody.

§ 320.—**Indebtedness**—All indebtedness, bonded or otherwise, and all liabilities and contracts of the school board, existing at the time this law takes effect, and all taxes, funds, sinking funds or other resources that have been pledged or set apart for the payment of the principal and interest thereof, shall continue unimpaired, and remain of the same force and effect as though the same had been authorized and contracted by the express provisions of this law.

§ 321.—**Appropriation of Money**—No money shall be drawn from the funds, unless same shall have been appropriated by order of the board of education, and no appropriation of money shall be made to be paid out of said school funds, unless the money shall actually be in the treasury to meet the draft.

§ 322.—**President—How Elected—Salary**—Said board of education shall elect from its own number a president, for the term of two years, and may prescribe who shall preside in his absence, and make all necessary rules, prescribing the duties of the presiding officer and the government of itself; and said board shall also elect a secretary, at a salary not exceeding one hundred dollars per annum, whose duty it shall be to keep a record of the proceedings of regular and special meetings, countersign all warrants and contracts, and whose term of office shall be two years.

§ 323.—**Library—Right to Establish**—Said board of education shall have the power and right to establish and maintain a public school library, out of any funds coming into its hands, except that received by taxation, or from the State funds, and also to purchase text books for indigent children of the city, and to otherwise expend such moneys in the interest of public schools. Said board of education shall have the power and right to make rules and regulations governing said school library.

§ 324.—**Non-resident Pupils**—Said board shall have the power to admit to said school pupils from beyond the limits of the city, and may collect therefrom tuition fees for the benefit of the schools of the city, making deduction of taxes for school purposes on property in said city paid by parents of said children; and no children of persons residing beyond said limits shall be admitted as pupils in

any of said schools except on payment of such tuition fees as said board may require.

§ 325.—Any city of the fourth class in which said system of public schools shall be established and maintained, shall constitute one common school district, and the Superintendent of Public Instruction shall pay every year, out of the common school fund of the State to the white board of education, the same amount per capita, for each white child of pupil age in said district, and to the colored board of education the same amount per capita, for each colored child of pupil age in said district, as he shall pay to each child of pupil age in other school districts in the State. Whenever the board of council of any city of this class shall determine, by ordinance, to establish and maintain a system of public schools therein, under the provisions of the act mentioned in the title of this act, or in case there was a failure at the last election provided for in said act to elect a board of education in any city of the fourth class, the board of council shall have the power and authority to appoint trustees for such school to serve until the election and qualification of trustees as provided in section 307, as amended herein. (Act approved June 28, 1903.) [Note—An Act published below amends certain sections of the foregoing. Approved March, 18, 1904.]

§ 326.—**Power of Fourth Class Cities to Establish Schools—White and Colored Schools**—That any city of the fourth class having heretofore organized a system of free graded schools for the education of the white and colored pupils of said city, under and by virtue of the charter for cities of the fourth class, and managed and controlled by a Board of Education, may, by ordinance passed by its general council separate said system of graded free schools into a graded free white common school for the white pupils of said city, and into a graded free colored common school for the colored pupils of said city. When said system of schools has been so changed and separated as hereinbefore provided, each system shall be governed and controlled by a board of six trustees elected or appointed, as now provided by general law for the government of graded free white and colored schools. Each of said systems of graded free white and colored schools shall be supported and maintained by its pro rata share of the State School Fund, which shall be paid by the State Superintendent of Public Instruction direct to said trus-

tees or their treasurer and by such local taxation as may be or now is provided by law. No tax raised from the property or poll of any white person or corporation in said city shall be used for the support of said graded free colored common schools of said city, nor shall any tax raised from the property or poll of any colored person be used for the support of said graded free white common school of said city. Said city shall fix by ordinance the maximum amount of tax that shall be levied in any one year on the one hundred dollars worth of property owned by the white citizens and corporations of said city and the maximum poll tax that shall be levied upon each white male citizen over the age of twenty-one years, residing in said city, for white school purposes not to exceed the amount fixed by law, and likewise the maximum amount that shall be levied upon the one hundred dollars worth of property owned by each colored person in said city, and the maximum poll tax that shall be levied upon each colored male citizen over the age of twenty-one years, residing in said city, for colored school purposes not to exceed the amount fixed by law and when said amounts have been fixed the respective boards of trustees of said schools shall not levy and collect a greater amount. After said systems of graded free white and colored common schools have been established as hereinbefore provided for, the same shall be maintained, managed and controlled as provided for by general law for such schools. The city council shall appoint a board of trustees for each of said systems of graded free white and colored schools who shall act as trustees for said schools until the next succeeding regular election, when their successors shall be elected. When said system of graded free common schools herein provided for shall have been established, the board of education of said city shall convey all the free school property in said city used by the white pupils to the board of trustees for the graded free white common schools, and all the free school property in said city used by the colored pupils, to the board of trustees for the graded free colored common school. If the city council shall pass an ordinance as hereinbefore provided for, separating the white and colored schools, either the white persons or the colored persons living in said district may hold an election as provided by the laws governing school elections in said district for the purpose of abolishing the white or colored graded common school system therein existing, the white persons only to vote with reference to

the white graded common schools, and the colored persons only to vote with reference to the colored graded common schools; and if such election shall be held and the majority of the votes cast at same shall be in favor of abolishing the white or colored graded common school system in said district, the same shall be abolished. All laws in conflict herewith are hereby repealed. (Approved March 21, 1904.)

CHAPTER XX.

STATE NORMAL SCHOOLS.

§ 327.—**State Normal Schools Created—Committee to be Appointed to Fix Boundaries**—That the State of Kentucky be divided into two State Normal school districts and that they be called the Eastern Kentucky State Normal School District and the Western Kentucky State Normal School District and that there be established and maintained two State Normal Schools in this State as follows: The Eastern Kentucky State Normal School located in the Eastern Normal School District at Richmond, Kentucky, and the Western Kentucky State Normal School, located in the Western Normal School District at Bowling Green, Kentucky, the boundaries of which two Normal School Districts shall be fixed the year following, and on the basis of every federal census, by a commission consisting of the State Superintendent of Public Instruction and the President of the Eastern and Western Kentucky State Normal Schools, and which districts shall always be as near equal as may be in white population. (Section as amended by Act of 1908.)

§ 328.—**Objects**—The object of said State normal schools shall be to more fully carry into effect the provisions of section one hundred and eighty-three of the Constitution of Kentucky, by giving to the teachers of the Commonwealth such training in the common school branches, in the science and art of teaching, and in such other branches as may be deemed necessary by the Normal Executive Council, hereinafter created, as will enable them to make the schools throughout the State efficient.

§ 329.—**Board of Regents Created**—There is hereby created a Board of Regents for each of said normal schools, to be known, respectively, as "The Board of Regents for Normal School District

No. 1" and the "Board of Regents for Normal School District No. 2." Said board shall have perpetual succession, with power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to receive by any legal mode of conveyance property of any description, and to have and hold and enjoy the same; also to make and use a corporate seal, with power to alter the same; to adopt by-laws, rules and regulations for the government of their members, official agents and employes: Provided, Such by-laws shall not conflict with the Constitution of the United States or with the Constitution of the State of Kentucky.

§ 330.—The Board of Regents for each of said schools shall be composed of five members, including the Superintendent of Public Instruction, who shall be a member and chairman of each of said boards.

§ 331.—**Appointment and Terms of Board of Regents**—Within thirty days after the selection of the normal school sites, as hereinafter provided the Governor shall appoint four regents for each of said normal schools, two of which shall serve for two years and two for four years, and until their successors are appointed and qualified; and two members shall be appointed in like manner every two years thereafter to serve for a term of four years each; and, whenever a vacancy or vacancies occur in either of said boards by death, resignation, removal from district, or by the operation of this law, or otherwise, the Governor shall, in like manner, immediately appoint some competent person or persons to fill such vacancy or vacancies. The person or persons so appointed shall hold office for the unexpired term: Provided, That no two members of either of said boards shall be residents of any one county, and that not more than three members of any of said boards, including the Superintendent of Public Instruction, shall belong to the same political party.

§ 332.—Said regents shall hold their offices for a term of four years from the first day of April next preceding their appointment, and until their successors are duly appointed and qualified, except such as may be appointed to fill vacancies, who shall hold office for the unexpired term only.

§ 333.—**Election of Officers of Board**—Each of said Board of Regents shall hold its first meeting within thirty days after its appointment, the time and place of meeting to be designated by the

Superintendent of Public Instruction, who shall administer the oath of office to each member. At this meeting there shall be selected a vice-president and a secretary for each of said boards. Said board shall also appoint a treasurer and such officers as it may deem necessary, but no member of either of said boards shall be selected as treasurer.

§ 334.—**Meetings to be Held by Board**—Each board shall meet quarterly at such time and places as may be agreed upon and, until the buildings are arranged for and completed, and as much oftener as may be necessary, but thereafter the regular meetings of each of said boards shall be held at its respective normal school building.

§ 335.—A majority of the members of said board shall constitute a quorum for the transaction of business, but no appropriation of money, nor any contract which shall require any appropriation or disbursement of money, shall be made, nor teacher employed or dismissed, unless a majority of all the members of the board shall vote for the same.

§ 336.—**Powers and Duties**—Each board of Regents shall have general control and management of its normal school; shall possess full power and authority to adopt all needful rules and regulations for the guidance and supervision of the conduct of the students of any department thereof; to enforce obedience to such rules, to invest the faculty with the power to suspend or expel any pupil for disobedience to such rules or for any contumacy, insubordination or immoral conduct, and have authority to appoint or dismiss all officers and teachers, to require such reports from officers and instructors as it may deem necessary, to appoint a treasurer for such school and to determine the amount of his bond, which amount shall not be less than ten thousand dollars.

§ 337.—**Normal Executive Council**—The Superintendent of Public Instruction, together with the president or head executive officer of each State normal school herein created, shall constitute a Normal Executive Council, whose duty it shall be to prescribe the course of study to be taught in each State normal school, and the educational qualifications for admission to and graduation from same.

§ 338.—At the first meeting of the Normal Executive Council, which shall occur within one month after the election of the presidents of the said normal schools herein created, there shall be

elected from said council a vice-president and a secretary; the Superintendent of Public Instruction shall be ex-officio president of the council.

§ 339.—This council shall hold its meetings annually or as much oftener as may be deemed necessary at the State Capitol or at one of the normal school buildings, the place of meeting to be determined by the Superintendent of Public Instruction, and a majority of the members shall constitute a quorum.

§ 340.—**Board of Regents to Confer Certificates—Reports—Endorsement of Certificate by Superintendent of Public Instruction—County Superintendent May Revoke—Secretary of Board of Regents Must Report to Superintendent of Public Instruction**—Each Board of Regents shall have full power and authority subject to the approval of the State Superintendent of Public Instruction, to confer, under its corporate seal, upon students of said schools the following certificates, viz: An "Elementary Certificate," and "Intermediate Certificate" and "Advanced Certificate." The Elementary Certificate shall be conferred upon the completion of one year's work, and shall entitle the holder thereof to teach in any public school in this State for the period of two years from the date thereof without further examination. The Intermediate Certificate shall be conferred upon the completion of two years' work, and shall entitle the holder thereof to teach in any public school in this State for a period of four years from the date thereof without further examination. The Advanced Certificate shall be conferred upon the completion of three years' work, and shall entitle the holder thereof to teach in any public school in this State for a period of three years from the date thereof without further examination, and if at the end of the three years a teacher holding an Advanced Certificate shall present to the Board of Regents which granted the same satisfactory evidence of successful teaching during said period, and of good moral character, then the Advanced Certificate may be extended for life, or good behavior, by said Board, subject, however to the approval of the State Superintendent of Public Instruction; and it shall be so endorsed by the said Board, and the holder thereof shall be entitled to teach in any public school in this State during good behavior without further examination. The official endorsement of the State Superintendent of Public Instruction shall be necessary to validate any certificate or extension thereof above

named. Any certificate may be revoked for cause by the Board of Regents of the school granting the same, or by the State Superintendent of Public Instruction. Any County Superintendent may, for cause, revoke for his county any certificate, of which revocation immediate notice shall be given to the State Superintendent of Public Instruction, and he shall have power to approve or reverse such revocation. The Secretary of the Board of Regents shall annually on or before the first day of August, transmit to the State Superintendent of Public Instruction the names of those receiving such certificates, their date of issue, and the place of residence of each holder, and the State Superintendent shall annually, not later than August the 15th, forward to each County School Superintendent a printed list of persons holding State certificates then in force, and those authorized to teach under the provisions of this section, giving names, residences, dates of qualification, and by whom conferred, and the date on which each Normal certificate shall expire; and the holder of such certificate shall, before commencing to teach a public school in any county in this State, notify the County Superintendent thereof of such fact, give date of qualification and by whom conferred, and the County School Superintendent shall verify same by examination of the list sent him by the State Superintendent, and if found correct, shall duly record the said teacher as eligible to teach in such county.

§ 341.—**Power to Remove Officers and Fix Compensation**—The Boards of Regents shall have power to appoint and to remove the president, professors and teachers of the normal schools, to fix their compensation, the commencement and termination of their respective terms of office, not to exceed two years for any one term.

§ 342.—**Causes for Removal of Officers and Teachers**—No president, professor or teacher shall be removed except for incompetency, neglect or refusal to perform his duty, or for immoral conduct; nor shall such president, professor or teacher be removed until after ten days' notice in writing, stating the nature of the charges preferred; and such person shall have an opportunity to make a defense before the board, by counsel or otherwise, and shall be allowed to introduce testimony, which shall be heard and determined by the board. In every case of the suspension or expulsion of a student by the faculty, the person so suspended or expelled shall be allowed to appeal from the decision of the faculty to

the Board of Regents, and it shall be the duty of the Board of Regents to prescribe the manner and mode of proceeding in the matter of such appeal; but the decision of the Board of Regents shall be final.

§ 343.—**Special Meetings**—Upon the written request of any two members of the Board of Regents, or at the request of the faculty, signed by the president and certified by the secretary thereof, the chairman of the Board of Regents may call a special meeting and the object or objects thereof, and no other business, shall be transacted at such meeting, unless all the members of the board are present and consent thereto.

§ 344.—**Mileage Allowed Board**—No member of the Board of Regents, nor member of the Normal Executive Council, shall draw any salary for services as such, but shall receive six cents per mile for every mile necessarily traveled in going to and from each meeting for the board, and other legitimate expenses, to be paid out of the contingent fund of the school.

§ 345.—**Board and Officers not to be Interested in Sales or Contracts**—No president, professor, teacher, regent, member of the Normal Executive Council or other officer or employe shall keep for sale, or be interested, directly or indirectly, in any contract or purchase for the building or repairing any structure, or for fencing or ornamenting the grounds, or furnishing any supplies or material for the use of said normal school. (Acts of 1906.)

§ 346.—**Annual Report to the State Superintendent of Public Instruction**—The President of each Normal School shall make to his Board of Regents written reports in duplicate during the month of August of each year, which shall contain a full account of all receipts of moneys from appropriations, tuitions, fees and all other sources, and the disbursements thereof, and for what purpose, and the condition of said Normal School; shall also report a list of the names and places of residence of all students that may have been taught in the Normal School during the preceding year, the number of terms enrolled, the number of days each has taught and the amount of tuition and incidental fees paid; one of which reports shall be filed in the office of the Secretary of the Board of Regents, and the other transmitted to and filed in the office of Superintendent of Public Instruction at Frankfort, Kentucky. (Section as amended by Act of 1908.)

§ 347.—**Treasurer to Execute Bond**—The treasurer of the respective Board of Regents, before he enters upon the duties of his office, shall enter into a bond to the Commonwealth of Kentucky, with not less than two solvent sureties or a guarantee company authorized to do business in Kentucky, in a sum of not less than ten thousand dollars, to be approved by the board, conditioned that he will faithfully perform all the duties required of him by law as such treasurer, which bond shall be filed with the secretary of the board.

§ 348.—**Treasurer to Receive and Disburse Moneys—Compensation**—It shall be the duty of the treasurer of the board to receive and disburse all moneys under the control of the Board of Regents and perform all such acts as pertain to his office, under the direction of the Board of Regents, and to make a report of the same to the board at its quarterly meetings. In the month of August of each year, the treasurer of said board shall also make and furnish to the Board of Regents, to be by it transmitted to the State Superintendent of Public Instruction, an abstract of which shall contain full account of all moneys received and disbursed by the school during the preceding year, stating from what source received and on what account paid out, and the amount paid to each professor, teacher or other officer of the school; and on or before the second Monday in January, one thousand nine hundred and eight, and every two years thereafter, said treasurer shall also report to the Board of Regents, to be by it transmitted to the General Assembly, an itemized statement of all receipts and expenditures for the two calendar years preceding, showing minutely all disbursements of moneys received from the State or other sources. The compensation of the treasurer shall be fixed by the Board of Regents.

§ 349.—**Duties of Secretary—Compensation**—It shall be the duty of the secretary of the boards to keep and preserve all records, books and papers belonging to the board. He shall keep a journal of the proceedings of the board, in which, if requested by any member of the Board of Regents, the ayes and noes on all questions shall be entered. He shall prepare, under the direction of the board, all reports, estimates and to execute all such matters as belong to his office. His compensation shall be fixed by the board.

§ 350.—**Provisions for Payment of Indebtedness**—The respective Boards of Regents shall, at their regular meetings, provide for

the payment of any indebtedness of the school, and for that purpose they shall set apart all moneys which may be derived from tuition or other fees paid by students to the payment of: First, the incidental expenses of such school; and, second, the payment of such indebtedness; and until such indebtedness shall be fully paid off, no part of the fund derived from tuition or other incidental fees shall be used for the payment of professors, teachers or other officers or employes of such school, nor shall the board, until such indebtedness be fully paid, make any contract for the hire, employment or payment of professors, teachers or other officials, or employes of such schools that will be a greater sum of money for the annual payment thereof than the amount of the appropriation by the State for the support of said school for that year.

§ 351.—All appropriations made by the General Assembly for the support of normal schools, or for the benefit thereof, and all grants, gifts, bequests or donations by any individual or corporation for a specified use shall be applied to such use or uses and no other. (Acts of 1906.)

§ 352.—**Gratuitous Instruction—Pupils—How Chosen**—Each county in the State shall be the unit of appointment; and each county shall be entitled annually to appointment to free tuition in the Normal School of the district in which it is located, of one white pupil for every five hundred, and fraction thereof over two hundred and fifty, of white school children, based on the last official school census preceding the appointment. Said pupils so appointed shall be chosen as follows: The Superintendent of Schools in each county shall receive and register the names of all applicants for admission to said schools and shall examine such applicants at such time and in such manner as the Normal Executive Council may direct, and the applicants found to possess the highest qualifications, and who are of good character, shall be accepted as the pupils to which said county is entitled. Said appointment shall be for the full term of the prescribed course of study in the school; any vacancy in any county may be filled in the same manner as provided for regular appointments. Should the number of appointees in attendance during any term not reach the number allowed for the county, said county may during any other term appoint alternates, so that the average for any whole year from any county may equal the number to which it is entitled under the provisions of

this section. The Board of Regents shall have power, in case any pupil so appointed shall refuse to sign and file with the Secretary of said Board a declaration that he or she will, if engagement can be secured by reasonable effort, teach in the public schools of this State not fewer than two years upon an Elementary Certificate; not fewer than three years upon an Intermediate or Advanced Certificate, to require such pupil to pay such fees and tuitions as the Board may prescribe. (Section as amended by Acts of 1908.)

§ 353.—**Model or Practice School**—The Board of Regents of each school may maintain in connection with the said normal schools, a model and practice school, under the supervision of thoroughly trained teachers, for the purpose of giving observation and practice work to the student teachers.

§ 354.—**Commission to Locate the Schools**—The Governor shall, within thirty days after this act becomes a law, appoint a commission composed of seven persons, one from each appellate district of the State, who shall, within thirty days after their appointment, meet at Frankfort, Kentucky, on a date fixed by the Governor, and organize and arrange to receive from those localities in Kentucky desiring to secure the location of said schools, proposals for donations of suitable sites and other valuable considerations, and shall, within ninety days after their appointment, locate the said schools in said normal school districts at the place making the most advantageous offers, all things considered. All proposals for sites or locations for the schools shall be in writing, and shall be entered at large on the records of the commission, and the findings of the commission fixing the locations shall be in writing and entered at large on the records of the said commission: Provided, That no town or city shall be selected for the location of said school which does not have facilities for a good water supply and other conveniences necessary for the institution.

§ 355.—**Appropriation**—In order to enable the Boards of Regents to carry into effect the provisions of this act, there is hereby appropriated the sum of ten thousand dollars ($10,000) to be divided equally between the two normal schools herein provided for, for the purpose of equipping suitable buildings, improving grounds, etc., and the sum of forty thousand dollars ($40,000) annually to be divided equally between the two schools for the purpose of defraying the salaries of teachers and other current expenses: Provided,

That the latter appropriation shall not become effective for any school until the buildings have been equipped and the school regularly opened.

§ 356.—**Deeds to be Made to Commonwealth**—The money hereby appropriated for equipment shall be available immediately for each of said normal schools upon the delivery of a good general warranty deed, conveying to the Commonwealth the property to be donated as above provided and its acceptance by the locating commission. The money appropriated under this act for equipment and maintenance of the schools shall be disbursed as follows, viz.: The chairman and secretary of the Board of Regents shall draw their warrants for the equipment and maintenance of each school provided for under this act on the Auditor of Public Accounts, payable to the treasurer of each normal school, and upon receipt of said draft by the Auditor, he shall draw his warrant for the proper amount upon the Treasurer of the State. The money authorized to be paid out of the State Treasury under this act shall be paid out of the general funds not otherwise appropriated.

§ 357.—Whereas, in order to open during the present year the normal schools provided for in this act, it is necessary that the same become effective as soon as possible; and, whereas, a public necessity exists for the immediate establishment and opening of normal schools in this State, in order to make its common school system more effective as required by the Constitution of Kentucky, an emergency is therefore declared to exist and this act shall take effect from and after its passage and approval by the Governor. (Acts of 1906.)

§ 358.—**May Purchase Lands—Condemnation Proceedings—May Provide for Library—May Sell Real Estate**—The Board of Regents of each of said Normal Schools is vested with power to purchase additional real estate when in its judgment the same is necessary for the purposes of the school. If the Board of Regents be unable to agree with the owner or owners of such real estate as to its value, or to purchase the same, it may proceed in its own name, in any court having jurisdiction, to condemn such real estate in the same manner as provided by law in the condemnation of lands for railroad purposes. Real estate acquired by purchase or condemnation shall be paid out of moneys appropriated to said school. Each Board of Regents may, on such terms as it may re-

gard best for the school, lease or donate a lot of land for the purpose of securing the erection of a library thereon; each Board may also erect or lease from another for a term of years any necessary buildings or grounds. Each Board of Regents may, when it regards the same to be best for its school, sell and convey any real estate or buildings now owned by it, but the proceeds arising from such sale must be reinvested in other real estate and buildings for the use of said school.

§ 359.—**Students May Take Examination for County Certificate**—That students, while attending a State Normal School may be examined for county teachers' certificate by the Board of Examiners of the county in which such Normal School is located, and on the dates provided in the common school law for examination of teachers. If such Normal students are of the age and character required by law in the case of other candidates for county certificates, the County Superintendent of the county in which the Normal School they are attending is located, shall admit them to examination and shall collect from each the legal fee, together with fifty cents additional. At the close of the examination the County Superintendent shall transmit by registered mail, the examination papers of each student candidate, together with the examination fee, to the County Superintendent of the county from which said candidate desires his certificate issued. The County Board of Examiners shall canvass the papers sent to them as above provided, and shall issue county certificates upon them, upon the same terms and conditions as in case of candidates appearing in person for examination.

§ 360.—**Appropriation for Buildings—May Purchase Additional Ground—Architect May be Appointed—Advertisement for Bids—Bond to be given by Successful Bidder—Itemized Account to be Submitted**—That the sum of one hundred and fifty thousand dollars, or so much as may be necessary thereof, be, and the same is hereby, appropriated for the benefit of the Eastern Kentucky State Normal School, Richmond, Kentucky, for the erection and equipment of a suitable dormitory for the accommodation of the male students; also for the erection and equipment of an addition to the dormitory for the accommodation of the female students; also for the erection and equipment of a model school building; also for the erection and equipment of a practice school building, also

for the erection and equipment of an administration building; also for the erection and equipment of a central heating plant, and for the necessary repair and equipment of the present buildings of said institution. All of said buildings shall be erected upon the grounds owned by said institution, or upon grounds that may be acquired by purchase by the board of regents of said institution. If, in the judgment of the said board of regents, the purchase of additional grounds may be necessary for the accommodation of the new buildings herein contemplated or for the proper conducting of said school, they may make such necessary purchase and pay for the same out of the money hereby appropriated. The title to such real estate shall be made to and held by the Commonwealth of Kentucky for the use and benefit of said school. The said board of regents is vested with a sound discretion as to the order of construction, and as to the location of the improvements herein set forth, or in giving preference to such other improvements as will best promote the interest of the school, provided the total expenditure shall not exceed the amount herein appropriated. The said board of regents shall appoint a competent architect or architects to prepare, under their direction, plans and specifications for the buildings aforesaid, and shall contract with responsible parties for the erection and equipment of same. All contracts under this act for material and labor, or for the erection of any and all buildings and improvements and for the equipment for the same for the purpose mentioned in this act, shall be let to the lowest and best bidder, after the same is duly advertised by notice for at least one month in a weekly or semi-weekly newspaper published in the city of Richmond, Kentucky, which, in the judgment of the said board of regents, has the largest circulation. The successful bidder or bidders in each case shall enter bond to the Commonwealth of Kentucky for the benefit of said normal school in a sum not less than twenty-five per cent. of the contract price or sum for the completion of the work in the manner and within the time set out in the contract or contracts. The manner and time shall be fully and in detail set out in said contract. The money hereby appropriated shall be paid to the treasurer of the said normal school from time to time, as the improvements contemplated in this act may require and it shall be the duty of the Auditor of Public Accounts to draw his warrant or warrants upon the Treasurer of the State in favor of

the treasurer of said normal school for an amount or amounts as the said treasurer of said normal school may, countersigned by the State Superintendent of Public Instruction, certify to him from time to time is necessary and needed in carrying out the provisions of this act: Provided, however, That one-third of said appropriation shall be due and payable on December 1, 1908, one-third thereof shall be due and payable on July 1, 1909, and one-third thereof shall be due and payable on July 1, 1910. The said board of regents shall submit to the next regular session of the General Assembly an itemized account and statement of the expenditures made for the purposes herein named, which account and statement shall be properly certified and audited; and if any of the funds hereby appropriated remain unexpended after the additions and improvements to said normal school herein authorized have been made, the same shall be returned to the State Treasurer by the said board of regents.

§ 361.—**One Hundred and Fifty Thousand Dollars Appropriated to Western Kentucky State Normal School—Building May Be Erected—Additional Grounds May Be purchased—Architect—Bond by the Successful Bidder—Account and Statement Must be Submitted to General Assembly**—That the sum of one hundred and fifty thousand dollars, or so much as may be necessary thereof be and the same is hereby appropriated for the benefit of the Western Kentucky State Normal School, Bowling Green, Kentucky, for the erection and equipment of a suitable dormitory for the accommodation of male students; also for the erection and equipment of suitable dormitory for the accommodation of female students; also for the erection and equipment of a suitable science hall; also for the erection and equipment of buildings for additional class rooms; also for the erection and equipment of a building for library and laboratories; also for the necessary repairs and equipment of the present building of said institution. All of said buildings shall be erected upon the grounds owned by said institution, or upon such grounds as may be acquired by purchase by the board of regents of said institution. If, in the judgment of the said board of regents, the purchase of additional grounds may be necessary for the accommodation of the new buildings herein contemplated or for the proper conducting of said school, they may make such necessary purchase and pay for same out of the money herein appropriated.

The title to such real estate shall be made to, and held by, the Commonwealth of Kentucky for the use and benefit of said school. The said board of regents is vested with a sound discretion as to the order of construction and as to the location of the improvements herein set forth, or in giving preference to such other improvements as will best promote the best interest of the school, provided that the total expenditure shall not exceed the amount herein appropriated. The said board of regents shall appoint a competent architect or architects to prepare, under their direction, plans and specifications for the buildings aforesaid, and shall contract with responsible parties for the erection and equipment of same. All contracts under this act for material and labor, or for the erection of any and all buildings and improvements and for the equipment for the same for the purposes mentioned in this act, shall be let to the lowest and best bidder after the same is duly advertised for ten consecutive days in a daily paper published in Bowling Green, Kentucky, having the largest circulation, or for four consecutive weeks in the weekly paper published in said city, which, in the judgment of the said board of regents, has the largest circulation. The successful bidder or bidders in each case shall enter into bond with the Commonwealth for the benefit of said normal school in a sum not less than twenty-five per cent. of the contract price or sum for the completion of the work in the manner and within the time set out in the contract or contracts, and manner and time, shall be fully and in detail set out in said contract. The money hereby appropriated shall be paid to the treasurer of said normal school, from time to time as the improvements contemplated in the act may require; and it shall be the duty of the Auditor of Public Accounts to draw his warrant or warrants upon the Treasurer of the State in favor of the treasurer of said normal school for an amount or amounts as said treasurer of said normal school may, countersigned by the State Superintendent of Public Instruction, certify to him from time to time is necessary and needed in carrying out the provisions of this act: Provided, however, That one-third of said appropriation shall be due and payable on December 1, 1908, one-third thereof shall be due and payable on July 1, 1909, and one-third thereof shall be due and payable on July 1, 1910. The said board of regents shall submit to the next regular session of the General Assembly an itemized account and statement of the ex-

penditures made for the purpose herein named, which account and statement shall be properly certified and audited, and if any of the funds hereby appropriated remain unexpended after additions and improvements to said normal school herein authorized have been made, the same shall be returned to the State Treasurer by the said board of regents.

§ 362.—**Twenty Thousand Dollars Annually Appropriated to The Eastern Kentucky State Normal School—Thirty Thousand Dollars Appropriated Annually to the Western State Normal School**—That in order to provide additional income to meet the additional annual expenditures of each of said institutions respectively. That the additional sum of twenty thousand dollars is hereby appropriated for the current fiscal year and for each succeeding year for the benefit of the Eastern Kentucky State Normal School, and the same is directed to be paid by the Treasurer of the State to the treasurer of the said Eastern Kentucky State Normal School upon warrant or warrants issued by the Auditor of Public Accounts, who is hereby directed to draw and issue said warrants for the purpose aforesaid. That the additional sum of thirty thousand dollars is hereby appropriated for the current fiscal year and for each succeeding year for the benefit of the Western Kentucky State Normal School, and the same is hereby directed to be paid annually by the Treasurer of the State to the treasurer of the said Western Normal School upon warrant or warrants issued by the Auditor of Public Accounts who is hereby directed to draw and issue said warrants for the purpose aforesaid.

CHAPTER XXI.

THE STATE UNIVERSITY.

§ 363.—**Board of Trustees**—That the government, administration and control of the Agricultural and Mechanical College of Kentucky be and is hereby vested in a board of trustees, constituted and appointed as follows:

§ 364.—**Governor Ex Officio Chairman**—His Excellency, the Governor of Kentucky, who shall be ex officio chairman thereof.

§ 365.—**Trustees—Manner of Appointment**—Fifteen men, discreet, intelligent and prudent, who shall be nominated by the Gov-

ernor of Kentucky, and by and with the advice and consent of the Senate. They shall hold office for six years, five retiring and five be ing appointed at each regular session of the General Assembly. Said nominations shall be made within fifteen days after the Legislature convenes. Said trustees shall be appointed and distributed as follows, namely: One from each Congressional district outside of the Congressional district in which Lexington is situated, and the remainder from the latter district; but no more than three trustees shall be appointed from the county of Fayette: Provided, That no trustee now serving under an appointment previously made shall be displaced by the operation of this act before the term of service shall have expired.

§ 366.—The president of the college shall be ex officio a member of the board of trustees.

§ 367.—**Trustees—Powers and Duties—Selection of President and Professors**—The board of trustees, when appointed and qualified, shall be a body corporate, under the corporate name of the Agricultural and Mechanical College of Kentucky, and as a corporation shall have power to sue and be sued, implead and be impleaded, contract and be contracted with, and possess all the immunities, rights, privileges and franchises usually attaching to the governing bodies of educational institutions. They shall have power to receive, hold and administer, on behalf of the institution whose government, administration and control is committed to them, all revenues accruing from all existing or future endowments, appropriations or bequests, by whomsoever made, subject to the conditions attaching thereto; to receive, administer and apply, for and on behalf of said college, all moneys, devises, stocks, bonds, buildings, museums, lands, apparatus, and so forth, and so forth, under the conditions attaching thereto. Said trustees shall have power to determine, from time to time, the number of departments of study or investigation which the college shall comprise within the scope of the organic act of Congress, or acts supplementary thereto, donating land script for the endowment of agricultural and mechanical colleges; the relation which each department or group of departments shall sustain to each other and to the whole; to devise, allot and arrange the distribution of departments or groups of departments with the designation appropriate to each, and to devise the means required for their effective instruction, adminis-

tration and government. They shall have, also, power to appoint presidents, professors, assistants, tutors and other officers, and to determine the salaries, duties and official relations of each; and shall provide for a definite salary in money attached to all positions created and filled by the board of trustees; and there shall be no additions thereto in the form of fees, perquisites or emoluments of any kind whatever. They shall have full power to suspend or remove at will any of the officers, teachers, professors or agents whom they are authorized by law to appoint, and to do all other acts which may be needful for the welfare of the institution.

§ 368.—**Degrees**—Said board of trustees shall have power to grant degrees to the alumni of the institution; to prescribe conditions upon which post-graduate honors shall be obtained by its alumni and others, and to confer such honorary degrees, upon the recommendation of the faculty of the institution, as they may think proper.

§ 369.—A majority of the whole board shall constitute a quorum for the transaction of business.

§ 370.—In the appointment of presidents, professors or instructors, no preference shall be shown to any religious denomination.

§ 371.—**Trustees to Meet in Lexington—Power to Appoint Secretary and Treasurer—The Executive Committee**—The board of trustees shall meet in Lexington twice each year in the president's room in the college, namely, upon the Tuesday preceding the annual commencement, and upon the second Tuesday in December. In the absence of the Governor the board shall have the power to appoint a chairman pro tem. They shall elect annually a secretary, who shall keep a record of their proceedings, and a treasurer, who shall receive and disburse the funds, and a business agent, who shall make all purchases for all departments of the college, and attend to all the business under the direction of the board. Said secretary and treasurer and business agent shall receive for their services a fair compensation; but the treasurer elected under the provisions of this act shall not be a member of the board of trustees or of the faculty of the college, or otherwise an employe of the college or of any of the departments thereof. They shall, at each regular meeting, appoint an executive committee, consisting of five of their number, residing in or near Lexington, including a chairman thereof, three of whom shall constitute a quorum; and said committee shall

choose from their number a chairman pro tempore, to act in the absence of the permanent chairman. The executive committee shall be charged with the general administration of the affairs of the college under such by-laws and regulations as shall be prescribed by the board of trustees, and with the execution of measures specially authorized by the board. It shall, at each regular meeting of the trustees, and at each called meeting if required, submit to the board a complete record of its proceedings for the consideration and approval of the board of trustees; Provided, That the authority of the board of trustees to revise the acts of the executive committee shall not extend to the rejection of any valid or authenticated account of money expended under a general or specific authority granted by the board of trustees, and within the sums appropriated by the board for specific or contingent objects at regular or called meetings. The secretary of the board of trustees shall also be secretary of the executive committee and the custodian of the records, and so forth, of the board and of said committee.

§ 372.—**Treasurer**—That the treasurer of said college shall enter into covenant with the Commonwealth of Kentucky, with one or more good sureties bound therein, to be approved by the board of trustees, conditioned for the faithful performance of his duties, and the payment of all moneys that shall come to his hands to his successors in office, or to such person or persons as may be lawfully entitled to receive the same. Any person or persons, including the board of trustees, injured by any breach of this bond, may maintain in the Fayette Circuit Court appropriate action thereon. The said treasurer shall keep an itemized account of receipts and expenditures, and shall pay out no money except on authorization of the board of trustees, given directly or through its executive committee. He shall render to the executive committee monthly statements of receipts and expenditures, and amount on hand, and a full detailed statement, with vouchers, for the information and action of the board of trustees at its regular annual meeting, and at other periods when required.

§ 373.—**Vacancies in Board of Trustees**—In the case of the death, resignation or refusal to serve of any of the trustees appointed as members of the board on behalf of the State, the remaining trustees shall, at their first meeting thereafter, have power to fill all vacancies occasioned by such death, resignation or refusal

to serve; and the person or persons so appointed shall hold their offices as trustees during the natural or unexpired terms of the person or persons for whom they are substituted and appointed. Any trustee who shall fail to attend two consecutive meetings without proper notification to the secretary of the reason therefor, shall hereby vacate his office of trustee, and the board shall fill the vacancy as hereinbefore provided for.

§ 374.—All necessary expenses incurred by the trustees in going to, returning from, or while attending the meetings of the board, shall be met and discharged out of the funds of the institution.

§ 375.—**Meetings of Board of Trustees**—That in addition to the regular meetings, called meetings of the board of trustees may also be held. The call for such meetings must be in writing, signed by three or more trustees. The call must also be formally communicated by the secretary to each trustee by mail, at his post-office address, at least fifteen days before the day fixed for the meeting, and must state definitely the object of the meeting; and no business not thus explicitly announced shall be acted on at the called meeting.

§ 376.—**Collegiate Period**—That the regular collegiate period of the Agricultural and Mechanical College shall be four years, and only those students who pass through that period and attain the prescribed standard of proficiency in the regular course of studies, or those who, having qualified themselves elsewhere, shall be found, after at least one year's attendance in the college, to have attained the prescribed standard of proficiency in the regular course of studies, shall receive a diploma from the college.

§ 377.—**Trustees to Govern College**—That the board of trustees be, and hereby are, empowered to establish proper regulations for government of the college and the physical training, military or otherwise, of the students, and to authorize the suspensions and dismissal of students for neglect or violation of the regulations, and for other conduct prejudicial to the character and welfare of the institution.

§ 378.—**Trustees to Report to General Assembly**—That the board of trustees shall make to the General Assembly, within the first month of each regular session, a full report of the condition and operation of the college since the date of the preceding report, with

such recommendations concerning the college as may be deemed necessary.

§ 379.—**Appointment of Students**—In addition to the foregoing, teachers or persons preparing to teach may be admitted at the rate of not more than four from each county, upon the same conditions, receive the same benefits, and have the same privileges in said college as prescribed in the preceding section. These appointments shall be vested in the county superintendents. Said appointments may be made and certified to the president of the college at any time between the first day of July and the thirty-first day of December of each year.

§ 380.—**Circular of Information to County Superintendents**—The president shall, on or before the first day of July of each year, have printed and mailed to each county superintendent of common schools of this State at least as many circulars of information relative to said college as there are common school districts in said respective counties. Said circulars shall set forth in full the benefits of, methods of admission into, and the probable cost to beneficiaries of said college. The county superintendents of common schools shall have at least one of said circulars posted in the schoolhouse of each common school district in their respective counties during the term of the free school thereof.

§ 381.—All acts and parts of acts in conflict with this are hereby repealed.

§ 382.—That, as the difference in the cost of travel from different parts of the State practically operates as a difference in advantages offered to different parts of the State, an emergency is declared to exist, and this act shall be in full force and effect from and after its approval by the Governor. (Approved May 9, 1893.)

§ 383.—**$60,000 Appropriated to Agricultural and Mechanical College**—That the sum of sixty thousand dollars, or so much as may be necessary therefor, be and the same is hereby appropriated for the purchase of ground and the erection thereon of a suitable building as a dormitory for young women students of the Agricultural and Mechanical College of Kentucky, and the equipment and furnishing thereof, which dormitory shall be capable of lodging and boarding comfortably one hundred and twenty-five persons; also, for the purpose of erecting and equipping a suitable building for military instruction, physical culture and rooms for Young

Men's Christian Association; also, for the erection and equipment of a suitable building for the use of the normal department and for the use of the academy; also, for the erection and equipment of a dormitory for young men students of said college; also, for the purpose of erecting and furnishing an annex for the use of the engineering departments of said college.

§ 384.—**$30,000 for Women's Dormitory**—Thirty thousand dollars of the sum appropriated under section 383 of this act is hereby set apart for the purchase of ground and erection of a dormitory for young women and for the equipment and furnishing of the same. Said building shall contain the necessary bed rooms, water closets, bath rooms, kitchen, store rooms, hall for physical culture with the necessary conveniences which should appertain thereto. Said women's dormitory shall not be situated on any part of the ground known as the College Campus. The title to said property shall be vested in the board of trustees of the Agricultural and Mechanical College of Kentucky.

§ 385.—The residue of the appropriation made by this act shall be used by the board of trustees of said college in erecting, equipping, and furnishing the other buildings set forth in section 383 of this act, and if the residue of the appropriation be not sufficient therefor, then it shall be expended in erecting and furnishing such of said other buildings as the board of trustees may think most necessary until said appropriation be exhausted.

§ 386.—**Women to Control Women's Dormitory**—The board of trustees shall appoint three prudent, discreet, intelligent women; members in good standing of one of the religious organizations recognized by the laws of the United States, who shall constitute a board of supervision or control to manage and superintend, under the direction of the board of trustees, the dormitory for young women. The term of service shall be for six years; but the first appointments shall be, one for two years, one for four years, and one for six years respectively, and thereafter, upon the expiration of their terms of service, one shall be appointed at the close of each biennial period to fill the vacancy. Provided, however, That the board of trustees shall have power at any time to remove any member of the board of control for reasons which they may deem sufficient and to fill the unexpired term by an ad interim appointment. Said board of supervision shall meet at convenient intervals for the

transaction of business. They shall keep a record of their proceedings and submit the same to the board of trustees at their regular meetings. Their receipts and expenditures shall be embodied in semi-annual reports to the board. They shall, when the dormitory is ready for the reception of students, submit to the board of trustees for their approval or to the executive committee, if the board of trustees be not in session, a body of regulations in relation to their administration of the business of the dormitory, and in relation to the conduct and discipline of its occupants. The members of the board of supervision or control shall receive no salary; but the necessary expenses, incurred in the discharge of their duties, shall be paid out of the funds set apart for the administration of the women's dormitory.

§ 387.—**$2,000 Appropriated for Expenses of Women's Dormitory**—The sum of two thousand dollars annually is hereby appropriated to defray the running expenses of said women's dormitory, including fuel, lights, servant's hire, janitor, cooks, and the necessary expenses of the board of supervision or control as hereinbefore set forth.

§ 388.—**Board in Dormitory**—The rates of board charged young women shall be determined by the cost of provisions and their preparation and service, with no margin or profit. A small monthly fee may, however, be added to cover the wear and tear of kitchen, dining room, and bed-room furniture.

§ 389.—The duties of the board of supervision or control shall be concerned exclusively with the management of the women's dormitory and shall in no wise relate to the college privileges, duties and relations of the young women nor to the requirements of the faculty regarding their work or the discipline and control of the faculty over them as students.

§ 390.—The president of the college shall, as the representative of the board of trustees, have the same general authority in regard to the women's dormitory which he is expected and required to exercise over the interests all and singular of the college, and any occupant of said dormitory who may feel aggrieved by the act of the board of control or the subordinate appointees shall have the privilege of appeal to the president of the college, whose decision shall be final until the next meeting of the executive committee.

§ 391.—**Students Appointed Have Preference in Dormitory**—

Women students attending said college as beneficiaries and appointees of counties or legislative districts shall have preference for accommodations in said women's dormitory, and if the accommodations of said dormitory are not sufficient for all such appointees, then the proper authorities of said college shall decide, in some way fair and equitable, who shall be entitled to said accommodations, all counties being given equal representation as nearly as possible. If any rooms in said dormitory remain after all such appointees are accommodated other female students may be allowed the use thereof, each county being given equal representation as nearly as possible. All rooms shall be assigned by lot three days after the session opens. Like rules and preferences shall be observed in regard to dormitory accommodations provided for men students at said college. All rooms shall be assigned by lot three days after the session opens.

§ 392.—**Architect—Contract to Lowest Bidder**—The board of trustees of said college shall appoint a competent architect or architects to prepare, under their direction, plans and specifications for the buildings aforesaid and shall contract with responsible parties for the erection and equipment of the same. All contracts under this act for material and labor, or for the erection of any and all buildings and improvements and for the equipment of the same for the purpose mentioned in this act shall be let to the lowest and best bidder, after the same is duly advertised by notice for ten successive days in the daily newspaper in the city of Lexington, Kentucky, having the largest circulation, or for four consecutive weeks in the weekly paper of said city having the largest circulation, in the judgment of the board of trustees; the successful bidder in each case entering into bond to the Commonwealth of Kentucky for the benefit of said A. & M. College of Kentucky, in a sum not less than fifteen per cent. of the contract sum or price for the completion of the work in the manner and within the time set out in the contract or contracts, and manner and time shall be fully and in detail set out in said contract. The money hereby appropriated shall be paid to the treasurer of the said college from time to time as the purchasing of land, erection of buildings and furnishing of same, as contemplated in this act, may require; and it shall be the duty of the auditor of public accounts to draw his warrant or warrants upon the treasurer of the State in favor of the treasurer of

said college for such an amount as the said treasurer of said college may certify to him, from time to time, is necessary and needed in carrying out the provisions of this act.

§ 393.—**Trustees Must Report to General Assembly**—Said board of trustees shall submit to the next regular session of the General Assembly an itemized account and statement of the expenditures made for the purposes herein named, which account and statement shall be properly certified and audited; and if any of the funds hereby appropriated remain unexpended after the additions and improvements to said college herein authorized have been made, the same shall be returned to the State treasurer by the said board of trustees. The annual appropriation made by this act for the benefit of the women's dormitory shall be paid to the treasurer of said college upon warrant of the auditor to be used for the purposes specified.

§ 394.—**Emergency**—Whereas, it is necessary that the work on the buildings and improvements authorized by this act shall begin as soon as possible in order that said buildings and improvements may be completed and ready for use at the beginning of the next regular collegiate year of said college in September next an emergency is hereby declared to exist and this act shall take effect and be in full force from and after its approval by the Governor. (Approved March 21, 1900.)

§ 395.—**$30,000 Appropriated for Young Women's Dormitory**—That a supplementary appropriation of thirty thousand dollars be made to enable the trustees of the Agricultural and Mechanical College of Kentucky to build, complete and equip a dormitory or college home for young women, of such dimensions and equipment as will accommodate one hundred and twenty-five persons, and meet the other requirements of the General Assembly.

§ 396.—**Money Paid on Warrant of the Auditor**—The money hereby appropriated shall be paid to the treasurer of the said college from time to time as the erection, furnishing and equipment of the building may require; and it shall be the duty of the Auditor of Public Accounts to draw his warrant or warrants upon the treasurer of the State in favor of the treasurer of said college for such an amount as the treasurer of said college may certify to him from time to time to be necessary and needed in carrying out the provisions of this act.

§ 397.—**Emergency**—Whereas, It is necessary that the work on the building and purchase of equipments authorized by this act shall begin as soon as possible, in order that the said building may be completed and the equipment purchased and ready for use at the beginning of the next collegiate year in September, one thousand nine hundred and two, an emergency is hereby declared to exist, and this act shall take effect and be in full force from and after its approval by the Governor. Whereas, section fourteen of an act to provide for the efficient management and administration of the Agricultural and Mechanical College of Kentucky, approved May ninth, one thousand eight hundred and ninety-three, makes liberal provisions for the free tuition, free room rent, free fuel and lights and traveling expenses of beneficiaries appointed from the several counties of this Commonwealth as students in said college, thereby virtually bringing the college into every county thereof; and, whereas, said beneficiaries are to be appointed by the superintendent of their respective counties on competitive examinations at a time and place designated by the superintendents; and whereas, it is the duty of the superintendents to place in every school house in his county circulars provided and furnished to him by said college, setting forth the benefits thereof, and method of admission into the same; and, whereas, by neglect in distributing said circulars of information, and failure to designate the time and place for holding competitive examination, many of the counties of the State are inadequately represented in said college, to the detriment and material loss of said counties; therefore,

§ 398.—**Duty of County to Post Circulars**—Each failure or neglect on the part of the superintendent of schools in any county in Kentucky to place in such school house in his county before the fifteenth of May, of each year, a copy of the circulars aforesaid, transmitted by the president of said college for the purpose aforesaid, shall be deemed a neglect of duty; and for each offense an action may be maintained against such superintendent by the trustees of each school within the county where circulars have not been placed according to the law, and upon conviction thereof he shall be subject to a penalty of not less than twenty-five nor more than fifty dollars. Said action may be maintained in the courts of justice of the peace having jurisdiction in the school district or in the county court, and a like penalty shall be incurred by the

superintendent for the neglect of duty in appointing a time and place for competitive examination for the selection of beneficiaries in his county according to the provisons set forth in section fourteen of the aforesaid act, approved May ninth, one thousand eight hundred and ninety-three. By reason of many counties being deprived of the benefits of this college, because of the fact that county school superintendents in some counties having failed to make known the provisions of the law, an emergency is declared to exist and this act shall take effect from its approval by the Governor. (Approved March 21, 1902.)

§ 399.—**$15,000 Appropriated Annually to A. & M. College**—That fifteen thousand dollars be, and the same is hereby, appropriated for the current fiscal year and for each succeeding year, in order to liquidate the existing indebtedness of the Agricultural and Mechanical College and to provide additional income for meeting the annual expenditures of the said Agricultural and Mechanical College of Kentucky, and the same is directed to be paid annually by the treasurer of the State to the treasurer of the Agricultural and Mechanical College, upon warrant issued by the Auditor of Public Accounts, who is hereby directed to draw and issue said warrant for the purpose aforesaid. (Acts of 1904.)

§ 400.—**Diplomas**—A diploma from the A. and M. College of Kentucky, conferring the degree of Bachelor of Pedagogy, shall be sufficient evidence of qualification to teach in the public schools of Kentucky during the lifetime of the person upon whom such degree has been conferred, unless he or she shall cease to teach for five consecutive years. And no other certificate or license shall be required of him by any board authorized by law to employ teachers for any of the public schools of Kentucky. (Acts of 1906.)

§ 401.—That the assent of the Legislature of this Commonwealth, be, and is hereby, given to the provisions of the act, entitled "An act to provide for an increased annual appropriation for Agricultural Experiment Stations, and regulating the expenditures thereof." That the Governor of this Commonwealth send a certified copy thereof to the Secretary of the Treasury of the United States. Whereas, the appropriation will cease upon the adjournment of the legislature unless this act be then in effect an emergency is hereby declared to exist and this act shall take effect and become a law from and after its passage and approval. (Approved March 11, 1908.)

§ 402.—**Two Hundred Thousand Dollars Appropriated to State University—Additional Grounds May be Purchased—Architect may be Employed—Advertisement—Bond by Successful Bidder—Money—How to be Paid—Statement to be Submitted to General Assembly**—That the sum of two hundred thousand dollars, or as much as may be necessary thereof, be and the same is hereby, appropriated for the benefit of the State University, Lexington, Kentucky, for the purpose of paying the outstanding indebtedness heretofore incurred for the erection of necessary buildings and equipment of same on the grounds owned by the said institution, and for the erection and equipment of a suitable building for the department of mining engineering, civil engineering and physics; also for the erection and equipment of a necessary addition to the chemical building, also for the erection and equipment of a necessary addition to the mechanical and electrical engineering building; also for the erection and equipment of a new dormitory for the accommodation of the male students of said institution. All of said buildings shall be erected upon the grounds owned by said institution, or upon such grounds as may be acquired by purchase by the board of trustees of said institution. If, in the judgment of the said board of trustees, the purchase of additional grounds may be necessary for the accommodation of the new buildings herein contemplated, or for the proper conducting of said institution, they may make such necessary purchase and pay for same out of the money herein appropriated. The title to such real estate shall be made and held by the Commonwealth of Kentucky for the use and benefit of said institution. The said board of trustees is vested with a sound discretion as to the order of construction and as to the location of the improvements herein set forth, or in giving preference to such other improvements as will best promote the interests of the institution, provided that the total expenditure shall not exceed the amount herein appropriated. The said board of trustees shall appoint a competent architect or architects to prepare, under their directions, plans and specifications for the buildings aforesaid, and shall contract with responsible parties for the erection and equipment of same. All contracts under this act for material and labor, or for the erection of any and all buildings and improvements, and for the equipment of the same for the purposes mentioned in this act, shall be let to the lowest and best bidder, after

the same is duly advertised by notice for ten consecutive days in a daily newspaper published in the city of Lexington, Kentucky, having the largest circulation, or for four consecutive weeks in the weekly paper published in said city which, in the judgment of the said board of trustees, has the largest circulation. The successful bidder or bidders in each case shall enter into bond to the Commonwealth of Kentucky for the benefit of said university in a sum not less than twenty-five per cent. of the contract sum or price for the completion of the work in the manner and within the time set out in the contract or contracts, and manner and time shall be fully and in detail set out in said contract. The money hereby appropriated shall be paid to the treasurer of said university from time to time, as the improvements contemplated in this act may require, and it shall be the duty of the Auditor of Public Accounts to draw his warrant or warrants upon the Treasurer of the State in favor of the treasurer of said university for an amount or amounts as the said treasurer of said university, countersigned by the president, may certify to him from time to time, is necessary and needed in carrying out the provisions of this act: Provided, however, That one-third of said appropriation shall be due and payable on December 1, 1908, one-third thereof shall be due and payable on July 1, 1909, and one-third thereof shall be due and payable on July 1, 1910. Said board of trustees shall submit to the next regular session of the General Assembly an itemized account and statement of the expenditures made for the purpose herein named, which account and statement shall be properly certified and audited, and if any of the funds hereby appropriated remain unexpended after the additions and improvements to said university herein authorized have been made, the same shall be returned to the State Treasurer by said board of trustees.

§ 403.—**$20,000 Appropriated Annually—Normal Department Eliminated—Certificates may be Granted—Sub-freshman Work Eliminated**—That in order to provide additional income to meet the additional annual expenditures of said Institution the additional sum of twenty thousand dollars ($20,000) is hereby appropriated for the current fiscal year, and for each succeeding year for the benefit of the said State University and the same is directed to be paid by the Treasurer of the State to the Treasurer of the State University upon a warrant or warrants issued by the Auditor of

Public Accounts, who is hereby directed to draw and issue said warrants for the purpose aforesaid. That the normal department of said university, as it now exists, be eliminated, and there be established instead thereof a department of education in said university, with collegiate rank, leading to the usual degree in pedagogy as maintained in other similar State institutions; that degrees of bachelor of arts in education, and bachelor of science in education conferred in this department shall, with the approval of the State Superintendent of Public Instruction, entitle the holder thereof to the privilege of teaching in the common schools and high schools of the Commonwealth without further examination, during life or good behavior. The diplomas granting degrees may be revoked for cause by the said board of trustees or by the State Superintendent of Public Instruction. The board of trustees shall have power and authority, subject to the approval of the State Superintendent of Public Instruction, to confer, under its corporate seal, upon students of said department, the following certificates: 1st. An elemnetary certificate upon the completion of one year's work, which shall entitle the holder thereof to teach in any public school of this State for the period of two years from the date thereof, without further examination. 2nd. An intermediate certificate upon the completion of two years' work, which shall entitle the holder thereof to teach in any public school of this State for a period of four years from the date thereof without further examination. 3d. An advanced certificate upon the completion of three years' work, which shall entitle the holder thereof to teach in any public school of this State for a period of three years from date thereof without further examination, and if, at the end of three years, a teacher holding an advanced certificate shall present to the board of trustees which granted the same, satisfactory evidence of successful teaching during said period, and of good moral character, then the advanced certificate may be extended for life or good behavior by said board, subject however, to the approval of the State Superintendent of Public Instruction, and it shall so be endorsed by the said board, and the holder thereof shall be entitled to teach in any public school in this State during good behavior, without further examination. The official endorsement of the State Superintendent of Public Instruction shall be necessary to validate any of the said three certificates or extension thereof above named. Any

certificate may be revoked for cause by said board of trustees or by the State Superintendent of Public Instruction. That from and after two years from this date all sub-freshman work shall begin to be eliminated as a part of the university curriculum, and such elimination shall progress as rapidly as the educational conditions in Kentucky will justify: Provided, however, Special courses may be given in any of the departments of the university, except that no sub-freshman normal instruction shall be given after September 1, 1908, in any department of the university or academy connected therewith. (Act approved March 16, 1908.)

§ 404.—**Title Changed**—That the institution founded under the land grant of 1862, by the Congress of the United States, and known hitherto under the corporate designation and title of "Agricultural and Mechanical College of Kentucky," be hereafter known and designated as the "State University, Lexington, Kentucky."

§ 405.—That the said State University be maintained by the Commonwealth with such endowments, incomes, buildings and equipments as shall enable it to do work such as is done in other institutions of corresponding rank, both under-graduate and post-graduate, and embracing work of instruction, as well as in original research.

§ 406.—**Previous Acts Referred To**—That all the acts of the General Assembly of the Commonwealth of Kentucky, making provision for the establishment, support and maintenance of the Agricultural and Mechanical College of Kentucky, heretofore enacted, viz. An act appointing a commission for the location of the Agricultural and Mechanical College, approved March 13, 1878; an act locating and establishing the Agricultural and Mechanical College, approved February 6, 1880; an act incorporating the Agricultural and Mechanical College, approved March 4, 1880; an act amending the act of incorporation, approved April 23, 1880; an act of the General Assembly, approved April 29, 1880, and section 184 of the Constituiton of Kentucky, guaranteeing the validity of the tax levied for the benefit of the Agricultural and Mechanical College by said act, approved April 29, 1880; an act of incorporation, amending the acts of March 4, 1880, and April 23, 1880, approved May 9, 1893, an act for the maintenance of the girl's dormitory, approved March 21, 1900, and an act making an annual appropriation for the maintenance and support of the said college, which

became a law March 26, 1904; and that all the acts of the Congress of the United States, creating and endowing colleges under the land grant of 1862, viz: The act providing for the establishing of the college for the benefit of agricultural and mechanical arts, approved July 2, 1862; the act of establishing experiment stations, as departments of agricultural colleges, approved March 2, 1887; the act for applying a portion of the proceeds of the public lands to the more complete endowment of the colleges established under the act of July 2, 1862, which passed the Senate June 23, 1890; the act known as the "Adams act," further endowing experiment stations, passed by Congress March 16, 1906, an act known as the "Nelson act," for the further endowment of Agricultural and Mechanical Colleges, passed by Congress March 4, 1907, shall not be affected by this change of name, and the revenue accruing from these and from all other sources, State and Federal, shall continue to be paid over by the State and Federal authorities to the Treasurer of the State University, Lexington, Kentucky, for its use and maintenance, in accordance with the provisions of said acts of Congress and of the General Assembly of Kentucky.

§ 407.—**Acts of Congress to be Carried Out**—That the requirements of the law of Congress, approved July 2, 1862, for the instruction in those branches of learning relating to agriculture and the mechanic arts and to military tactics, shall be carried out fully, and that those branches shall continue to be integral and indispensable courses of instruction in the State University; and that, in addition to the other colleges of said university, one of the colleges shall be denominated the Agricultural College, and another the College of Mechanical Arts of the State University.

§ 408.—**Department of Law Established**—That a department of law, or course of instrutcion in the science of law leading to the degree of Bachelor of Laws, shall be established in said university. The course prescribed leading to said degree shall be of equal dignity and rank to that of other corresponding institutions.

§ 409.—**Department of Medicine and Surgery Established**—That a Department of Medicine and Surgery, or course of instruction in the science of Medicine and Surgery, leading to the usual degrees conferred in such courses, shall be established in said university. The courses prescribed shall be of equal dignity and rank to that of other corresponding institutions, and that a diploma

issued from this department shall be accepted throughout this State on equal terms with diplomas issued from other corresponding institutions.

§ 410.—**Appointment of Beneficiaries—Competitive Examination—Duty of County Superintendent**—That so much of the law for the benefit of said college, designated as section 26, of the Kentucky Statutes, as applies to the manner of making the appointment of beneficiaries to said college be stricken out, and the following language be inserted instead thereof: "Each county in the State, in consideration of the incomes accruing to said institution under the present laws, for the benefit of the said agricultural and mechanical college, be entitled to select and to send to said university each year one or more properly prepared students, as hereinafter provided for, free from all charges for tuition, matriculation fees, room rent, fuel and lights, and to have all the advantages of the said university and dormitory free, except board. Each county in the State shall be the unit of appointment, and each county shall be entitled annually to appoint to said university one white pupil for every three thousand, and one for each fraction thereof over fifteen hundred of white school children, based upon the last official census preceding said appointment: Provided, however, That each county shall be entitled to at least one annual appointment." So that said section, when amended, will read as follows: "Each county in the State, in consideration of the incomes accruing to said institution, under the present laws for the benefit of said agricultural and mechanical college, be entitled to select and send to said university each year one or more properly prepared students, as hereinafter provided for, free from all charges for tuition, matriculation fees, room rent, fuel and lights, and to have all the advantages and privileges of the said university, one white pupil for every three thousand, and one for each fraction thereof over fifteen hundred of white school children, based upon the last official census preceding said appointment: Provided, however, That every county shall be entitled to at least one annual appointment. Said students shall be entitled, free of any cost whatever, to the benefits enumerated above for the term of years necessary to complete the course of study in which he or she matriculates for graduation, or during good behavior. All beneficiaries of the State who continue students for one consecutive, collegiate year, or

ten months, unless unavoidably prevented, shall also be entitled to their necessary traveling expenses in going to and returning from said college. The selection of the beneficiaries shall be made by the superintendents of common schools in their respective counties, upon competitive examination, on subjects prepared by the faculty of the university and transmitted to said superintendents before the first day of June of each year. Said competitive examinations shall be open to all persons between the ages of fourteen and twenty-four years. Preference shall be given, other things being equal, to those who have passed with credit through the public school, persons of energy and industry, whose means are small, to aid whom in obtaining a good education this provision is intended. Said competitive examination shall be held, and the successful competitor appointed between the first day of June and the first day of August of each year. It shall be the duty of the county superintendent to make known the benefits of this provision to each common school district under his superintendency, with the time and place, when and where such competitive examination shall be held. He shall for this purpose, appoint a board of examiners, whose duty it shall be to conduct the examination. This shall not interfere with any appointment already made to said college."

§ 411.—**Free tuition to Certain Students**—That the board of trustees of said university may within their discretion, concede the privilege of free tuition to students who are preparing for the ministry in connection with any white religious denomination.

§ 412.—**Bi-partisan Board after January 1, 1910.**—That the board of trustees shall, from and after January 1, 1910, be bi-partisan, and the Governor, in making the appointments of trustees, shall so make them as to divide the representation upon said board equally between the two leading political parties of this Commonwealth, including the ex officio members; that the Superintendent of Public Instruction shall be ex officio a member of the Board of Trustees.

§ 413.—That the board of trustees have authority, out of the funds under their control, to expend an amount sufficient to meet the necessary expenses incurred in advertising and other necessary changes incident to the change of the style and title of the said institution.

§ 414.—**Location Not Changed**—That the location of the institu-

tion established by the act locating the Agricultural and Mechanical College of Kentucky, approved February 6, 1880, shall not be affected by this change of name.

§ 415.—That all acts passed by the Legislature of Kentucky, and all the regulations made by the board of trustees in pursuance thereof, for the government of the agricultural and mechanical college, shall continue in effect and apply to the government of the State University, Lexington, Kentucky, except to the extent herein specifically set out.

§ 416.—That all students attending exclusively the law or medical department of the university shall pay the usual tuition fees.

§ 417.—**County Certificates May be Issued to Students**—That students, while attending the State University, may be examined for county teachers' certificates by the board of examiners of Fayette county, Kentucky, and on the dates provided in the common school law for the examination of teachers. If such students are of the age and character required by law in the case of other candidates for county certificates, the county superintendent of Fayette county shall admit them to examination and shall collect from each the legal fee, with fifty cents additional. At the close of the examination the county superintendent shall transmit by registered mail the examination papers, together with the examination fee, to the county superintendent of the county from which said candidate desires his certificate issued. The county board of examiners shall canvass the papers sent to them as above provided, and shall issue county certificates upon them upon the same terms and conditions as in case of candidates appearing in person for examination.

§ 418.—Whereas, the change of name of the Agricultural and Mechanical College to State University, Lexington, Kentucky, will necessitate immediate preparations and advertisement in order to begin university work by September, 1908, an emergency is hereby declared to exist, and this act shall take effect from and after its passage and approval. (Approved March 16, 1908.)

CHAPTER XXII.

KENTUCKY NORMAL AND INDUSTRIAL INSTITUTE.

§ 419.—**Board of Trustees—Term of Office Three Years from July 1st.—Treasurer Elected Biennially**—The State Normal School for Colored Persons, established by an act of the General Assembly, approved May eighteenth, one thousand eight hundred and eighty-six, shall hereafter be under the control and supervision of a board of trustees, composed of the Superintendent of Public Instruction, who shall be ex officio chairman of the board, and three intelligent and discreet persons, residents of Franklin county, to be appointed by the Governor subject to the approval of the Senate, who are hereby constituted a body-corporate, with power to sue and be sued, plead and be impleaded, and to hold in trust all funds and property now owned by said school, or which may hereafter be provided for it, and shall be known and designated as "The Board of Trustees of the Kentucky State Normal School for Colored Persons." The term of office of the three members appointed by the Governor shall begin on the first day of July, one thousand eight hundred and ninety-three, and one member thereof shall retire, as may be determined by lot, at the end of one year thereafter, one in two years, and the other in three years; their successors shall be appointed by the Governor for a term of three years; they shall be subject to removal by the Governor for cause, and he is authorized to fill all vacancies occurring by death, resignation or otherwise. Said board shall adopt such rules for the government of said school, not inconsistent with law, as they deem proper, and shall supervise all its interests, provide for all its wants, confer weekly with the faculty, and require formal reports of the actual condition of the school in every regard. They shall biennially, beginning on the first day of July, 1893, elect some suitable person outside of their own number as treasurer, who, before entering on his duty, shall give bond in such a sum as they may prescribe, and they shall agree with him as to compensation: Provided, That in no case shall such compensation exceed one hundred dollars per annum.

§ 420.—**Congress Act, July 2, 1862**—There shall be maintained

in said institution a department for the education of colored students in agriculture and the mechanic arts, and for said purpose said board shall be entitled to receive an equitable division of the moneys arising from the sale of public lands, and appropriated to the State of Kentucky by an act of Congress, approved August 30, 1890, entitled "An act to apply a portion of the proceeds of public lands to the more complete endowment and support of the college for the benefit of agriculture and the mechanic arts, established under the provisions of an act of Congress," approved July 2, 1862.

§ 421.—**Course of Study, &c.**—Said board shall prescribe the course of study for the said normal school; shall select the instructors and fix their salaries, and shall determine the conditions, subject to the limitations hereinafter specified, on which pupils shall be admitted to the privileges of the school.

§ 422.—**Admission of Pupils**—Any pupil to gain admission to the privileges of instruction in said normal school, shall be at least sixteen years of age, possess good health, satisfactory evidence of good moral character, and sign a written pledge, to be filed with the principal, that said applicant will, as far as practicable, teach in the colored common schools of Kentucky a period equal to twice the time spent as a pupil in said normal school, together with such other conditions as the board may, from time to time, impose. But no such pledge shall be required of pupils who matriculate in the departments of agriculture or mechanics.

§ 423.—**Tuition**—Tuition in said normal school shall be free to all colored residents of Kentucky who fulfill the conditions as set forth in the preceding section, and such other conditions as the board may require. The board shall fix the rate of tuition and the conditions on which pupils, who are residents of Kentucky, may be admitted to the privileges of said normal school.

§ 424.—**Christian Morals**—No religious tenets shall be taught in said normal school, but a high standard of Christian morality shall be observed in its management and, so far as practicable, shall be inculcated in the minds of the pupils.

§ 425.—**Biennial Report—Annual Report**—The board shall, in a body or by a majority of their number, visit said normal school once during each session, witness the exercises, and otherwise inspect the condition of said school, and they shall make a biennial report to the Legislature, setting forth the financial and scholastic

condition of said normal school, making such suggestions as in their opinion would improve the same, and in the years in which there is no session of the Legislature, they shall make their report to the Governor.

§ 426.—**Appropriation $3,000**—The sum of $3,000 shall be annually appropriated out of the State treasury to pay the teachers and defray other necessary expenses in the maintenance of said normal school, which amount, together with the sum received under the provisions of said act of Congress, shall be set apart and be known and held as the colored normal school fund. This fund shall be paid out of the State Treasury only on the warrant of the Auditor, drawn on the order of the board.

§ 427.—**Certificates of Proficiency**—The board is authorized to grant, from time to time, certificates of proficiency to such pupils as shall have completed the prescribed course of study in any department of the institution, and whose moral character and disciplinary relations to said school shall be satisfactory. And such teachers as shall have completed the prescribed course of study in the normal department, and exhibited satisfactory evidence of ability to instruct and manage a school, shall be entitled to diplomas appropriate to such degrees as the board shall confer upon them, which diplomas shall entitle them to teach in any of the colored common schools of this State. (Approved May 22, 1893.)

§ 428.—**Change Title**—The name of the State Normal School for Colored Persons is hereby changed to that of "The Kentucky Normal and Industrial Institue for Colored Persons," and its board of trustees shall be known as "The Board of Trustees of the Kentucky Normal and Industrial Institute for Colored Persons."

§ 429.—**President**—The presiding officer of the institute, who shall be selected by the board of trustees shall be styled the "President of the Institute," and shall be the chief administrative officer of the institution under the control of the board of trustees, and be ex officio a member of the board of trustees, and hold his office indefinitely, at the will of the said board, but the superintendent shall have no vote in his own election or retention in office.

§ 430.—**$15,000 Appropriated for Dormitory**—The sum of fifteen thousand dollars is hereby appropriated for the purpose of building a dormitory for the use of the female pupils of the State Normal School for Colored Persons, to be paid by the Auditor of Public

Accounts out of any money in the treasury not otherwise appropriated on the written order of the chairman of the board of trustees, as the work progresses.

§ 431.—**$5,000 Appropriated for Support**—The further sum of five thousand dollars annually is hereby appropriated for the support and conduct of said institution, to be paid by the Auditor of Public Accounts out of any money in the treasury not otherwise appropriated, on the written order of the chairman of the board of trustees at the same time the other annual appropriation is paid. (Acts 1902.)

§ 432.—The sum of twenty thousand dollars be appropriated for the Kentucky Normal and Industrial Institute for Colored Persons from any funds in the Treasury not otherwise appropriated, for the accomplishment of the aforementioned purposes, to-wit: The completion of a girls' dormitory with satisfactory and economical plan of heating and lighting; the providing of water for ordinary use and for fire protection; the providing for industrial training to the end that the colored youth of the Commonwealth may be trained into industrious habits and useful trades, as the trustees of the instituion may, in their wisdom, decide best and most practical. (Approved March 20, 1906.)

§ 433.—**$40,000 Appropriated for Buildings, &c.**—The sum of forty thousand dollars, or as much as may be necessary thereof, be, and the same is hereby, appropriated for the benefit of the Kentucky Normal and Industrial Institute for Colored Persons, Frankfort, Kentucky, for the purpose of paying the outstanding indebtedness heretofore incurred in the purchase of agricultural lands; also for the erection and equipment of an auditorium and practice school; also for the erection and equipment of a mechanical shop; also for the erection and equipment of electric light and heating plants, and for the further extension of the water system of said institution.

§ 434.—**Additional Grounds May Be Purchased**—If, in the judgment of the said board of trustees the purchase of additional grounds may be necessary for the accommodation of the new buildings herein contemplated, or for the proper conducting of said institution, they may make necessary purchase and pay for the same out of the money herein appropriated. (Approved March 18, 1908.)

§ 435.—**Appropriation for Buildings $6,800.—Annual Appro-**

priation $3,000—That there is hereby appropriated out of the general revenue of the State for the benefit of the Kentucky Normal and Industrial Institute for Colored Persons at Frankfort, Kentucky, the following named sums for the specific purposes named and set out herein, as follows: For the purpose of heating the administration building and purchasing appropriate apparatus for same, the sum of Four Thousand Dollars ($4,000.00) is hereby appropriated. For the purpose of seating the auditorium in the administration building, the sum of Sixteen Hundred Dollars ($1,600.00) is hereby appropriated. For the purpose of furnishing the President's offices, the sum of Two Hundred Dollars ($200.00) is hereby appropriated. For the purpose of furnishing and equipping the sewing department, the sum of One Hundred Dollars ($100.00) is hereby appropriated. For the purpose of furnishing and equipping the cooking department, the sum of One Hundred and Fifty Dollars ($150.00) is hereby appropriated. For the purpose of furnishing and equipping one room for the model school, the sum of Fifty Dollars ($50.00) is hereby appropriated. For the purpose of equipping the printing department, the sum of Two Hundred Dollars ($200.00) is hereby appropriated. For the purpose of equipping the mechanical department, the sum of Two Hundred Dollars ($200.00) is hereby appropriated. For the purpose of equipping the agricultural department, the sum of Two Hundred Dollars ($200.00) is hereby appropriated. For the purpose of equipping the library, the sum of One Hundred Dollars ($100.00) is hereby appropriated. WHEREAS, There are now valuable buildings, equipment and other property without any maintenance fund for the care, growth and development of the institution, the sum of Three Thousand Dollars ($3,000.00) is hereby annually appropriated for this purpose. (Acts of 1910.)

CHAPTER XXIII.

ABSTRACTS OF DECISIONS OF THE COURT OF APPEALS, OPINIONS OF THE ATTORNEY-GENERAL, AND RULINGS AND BULLETINS FROM THE DEPARTMENT.

Common Schools—The school fund cannot be applied by the Legislature to any schools except those actually taught by teachers qualified according to law to teach in districts laid out by authority of the school laws, and under the control of trustees elected under those laws, which all white children in the district within a specified age are privileged to attend. 1874. Collins v. Henderson, &c., 11 Bush, 74.

Normal Schools—No appropriation for the support of normal schools can be constitutionally made out of the school fund. 1874. Collins v. Henderson, &c., 11 Bush, 75.

Taxation—In general, taxation must be equal and uniform, but where the benefits are special and peculiar, those alone who receive the benefits may be made to pay the tax. 1874. Marshall v. Donovan, &c., 10 Bush, 691.

Taxation—Irregularity in Election—Where a tax in aid of common schools has been imposed pursuant to an election held for that purpose, the burden is on the taxpayer, who resists the collection of the tax, to show that it is void. A mere irregularity in conducting the election will not authorize the chancellor to interpose. 1881. Trustees, &c., v. Garvey, MS. Opinion.

Definiteness—A tax of twenty-five cents on the hundred dollars is sufficiently definite. Ib.

Decision of County Superintendent—The decision of the county superintendent is conclusive, and can not be disturbed by court except upon the ground that he was influenced by improper motives. 1890. Brinsore v. Cottenham, &c., Ky. Law Rep., 720.

Teacher Compelled to Report—The teacher of a district school may by mandamus compel the trustee to make to the commissioner the report necessary to enable the teacher to get his wages from the State. The fact that the trustee may be indicted for a failure to report, and is liable in damages to any one injured by failure, does

not exclude the remedy by mandamus. (1885. Jones, &c., v. Strange, MS. Opinion.)

Attachments of Teachers' Salary—Money due a common school teacher can not be attached in hands of commissioner. 1871. Tracy, &c., v. Hornbuckle, &c., 8 Bush, 336. 1879. Allen, &c., v. Russell, &c., 78 Ky. 116.

Power of Legislature over School Fund—The General Assembly has no power to devote any portion of the school fund to the payment of teachers not acting under the control or supervision of the officers of the common schools. 1872. Halbert v. Sparks, 9 Bush, 262.

Taxation—Trustees must make a record of all taxes levied when the levy is ordered, and make a record of every step taken. Davidson v. Sterett, Superior Court, March, 1892.

School Fund—Legislature Can Not Divert—A private academy was authorized to admit such pupils from the common school district as would pay tuition, and then collect the pro rata of these pupils from the State school fund; and also to exempt such persons as patronized the academy from strict taxation. Held—That the act was unconstitutional and void. Underwood v. Wood, Co. Supt., Ky. Appellate Court, May 5, 1892.

Titles to Lands—Trustees accepted the donation of land, with reversionary interest in donor, in case the land should ever cease to be used for school purposes; and levied a tax to be used to build a school house on the land, but exempted the donor of the land from this tax. A taxpayer in the district resisted the payment of his taxes because the trustees had not a fee-simple title, and because they exempted the donor from taxes. Held—That neither plea was good, and he must pay his taxes. John Goss v. Trustees of Dist. 25, Fayette County, Superior Court, April, 1893.

Condemning Land for School House—The trustees of District 7, Letcher county, selected a site for school house; the owner would not sell; they applied to the county judge for a writ to condemn the land for school purposes; the owner answered that the land was not at the center of district, and was set in fruit trees and in use as an orchard; the county judge refused to issue a writ to condemn the land, and the trustees appealed to the Circuit Court and asked for mandamus to compel the county judge to issue the writ. Held—that the decision of the county superintendent as to the site of

a school house, though final as to contention of certain parties in the district, does not affect the rights of the land owner; that the county judge, acting in a judical capacity, had the right to refuse the writ, and that mandamus was not the proper proceedings to set aside his decision. Wright, Trustee, v. Baker, County Judge, Kentucky Appellate Court, May, 1893.

Elections—The petition to be directed to the county judge preliminary to the calling of an election taking the sense of the voters of a proposed graded school district upon the proposition whether or not they will vote an annual tax for school purposes, should be filed with the county judge in term time, and the election therein provided for should not be ordered till the next regular term of the county court. 99 Ky., 11.

School Taxation—The common law provides that the railroad tax shall be apportioned between the white and colored schools in the same district, but this provision has no application to the tax upon the property of any other corporation. In the taxation of private corporations for the support of graded schools the stock owned by colored persons is liable to be taxed only for colored schools, and that owned by white persons only for the white schools. An agreement between the trustees of the white and the colored schools, respectively, for an apportionmnt of the taxes in any other manner than that required by the shcool law is a nullity. 18 Ky. Law Rep., 103.

Not Subject to Assessment For Street Improvements—The property of the Louisville School Board, held by it for the use of the State to carry on this system of common schools established under the Constitution, can not be subjected to pay assessments for the cost of street improvements, as to subject it to such assessment would be to appropriate the property to another purpose than that of the school system, which is forbidden by the Constitution.

Liability for Work Contracted—The city having the authority to contract for the work, but no authority to make it a charge upon the abutting property which belonged to the school board, it was liable to the contractor for the cost of the work. 18 Ky. Law Rep., 124.

School Elections—As the charter of cities of the fourth class does not prescribe the secret ballot in the election of members of the board of education, the voting should be viva voce, and those

who are qualified to vote under the general law may vote. 1897. 43 Southwestern Reporter, 421.

Common Schools—State Fund—Ky. Stat. Sec. 4432, provides that a city which maintains under special law, an adequate and free system of schools, is entitled to a portion of the common school fund. Ky. Stat. Sec. 4433, provides that the general law does not affect special laws except as to teachers as specified in Ky. Stat. Sec. 4428, which section provides that "no district" shall include more than 100 pupils, unless it contains a city, . . . or there be established therein a high school, academy, or college entitled to a share of the revenue of the common school fund," in which "cases the teacher or teachers of such high school, academy, or college having charge of common school pupils shall hold certificates and be subject to all the common school laws. Held—That unless teachers employed by a city maintaining a school system under special law conform to the common school standards of efficiency, or hold certificates under and are subject to the common school laws, the city is not entitled to a proportion of the common school fund. 19 Ky. Law Rep., 466; 38 S. W. Rep., 1066.

Tax Exemption—The intent and spirit of an act of the General Assembly providing a tax upon property owned by white persons in a designated territory for the purpose of maintaining a graded school for white pupils, is manifestly to tax all property save that of black persons; therefore, a corporation seeking an exemption from the tax must show that its corporators and stockholders, who are the real owners and are persons having color, are black persons.

Corporation—A corporation is an inhabitant within the meaning of an act taxing the property of inhabitants, and the property of corporations may be taxed under an act which authorizes the taxation of the property of persons. 16 Ky. Law Rep., 283.

OPINIONS OF COURT OF APPEALS.

An act making the regulations as to what children should go on the pupil list in cities of the first class different from that provided by the common school law is in violation of the constitution.

The salary of a county superintendent is not subject to the payment of a judgment against him.

Members of the county board of examiners are removable at the discretion of the county superintendent without assigning any cause.

A county superintendent has no right to interfere with the election of a teacher.

A county assessor has no power to assess railroad property for taxation for school purposes.

A verbal resignation of a school trustee is illegal.

A board of education of a city elected by secret ballot was a mere irregularity and does not invalidate the election.

A county superintendent has no authority to try charges against trustees of graded common schools.

The entire management of graded common schools is left with the five trustees.

The board of education of a city of the second class has no authority to petition county court to submit question as to issuing bonds for school purposes and levying a tax.

The levy of taxes in second class cities for school purposes should be only for fiscal year ending December 31.

The vote for a tax for a graded school district should be canvassed by the election commissioners and not by the county judge, clerk and sheriff.

Persons in charge of public schools have authority to control and expel pupils, and the courts will not interfere with their authority unless the power is exercised arbitrarily or maliciously.

Lands lying within boundary of graded school districts are liable for taxation, although the owner resides outside of the district.

Such land is not liable for taxation in common school district where owner resides.

A tax levied for school purposes can not be diverted for the purpose of establishing a public library, and is unconstitutional. (24 R., 98.)

An order for holding an election to establish a graded school district is valid, although it contains a clerical misprision, the certificates of commissioners who counted the vote is sufficient and the regularity of such election is presumed. (24 R., 164.)

A mandamus lies to compel board of commissioners to issue a certificate to a teacher, but does not lie to fix average of teacher. (24 R., 835.)

Taxes raised under special act for benefit of a district school for whites must be distributed pro rata between white and colored schools under general law. (24 R., 1421.)

It is proper to hold an election for organizing a graded common school on a day other than a regular election day, and such election shall be held viva voce.

A payment of three per cent. of school fund of cities of second class for the benefit of a public library is unconstitutional. (25 R., 341.)

Under the provisions of section 4409 of the Kentucky Statutes, requiring a county school superintendent to make a settlement of his accounts as such officer with the county judge annually on or before the first day of August, such an officer, who disregards the statute and refuses to make a settlement until after that date, for the reason as alleged, that he has lost two receipts for money paid out, and is waiting to obtain duplicates, is guilty of wilfully failing to settle and is liable to a penalty imposed by that statute. (25 R., 669.)

A child whose parents reside outside of a city and who lives in the city with a relative, is not entitled to attend the public school without the payment of tuition, where her residence with her relative is merely voluntary and in no way binding either on her or her relative. (25 R., 723.)

An election held for the establishment of a graded school district is void, if the petition for some of the voters fails to fix the location of the school house. (25 R., 307.)

A teacher in a common school can not be required to teach

special studies not provided for by the State Board of Education without additional compensation, unless so provided for in her contract to teach said school. (27 R., 967.)

The petition authorized to be filed by section 4464, Kentucky Statutes, asking that an election be held to change a common school district into a graded school district, shall be filed in the county court in term time, and the order for an election be made at a subsequent term. (27 R., 1308.)

An incorporated school district may bring an action for delinquent taxes. (27 R., 160.)

A tax collected by a city for school district which it forms must be appropriated to school purposes alone. (27 R., 697.)

In an action to enforce the collection of a school tax every act required by law to be done must be specifically pleaded. (27 R., 991.)

Where the trustees of a graded common school district have, by mistake, made a levy upon property not in the district and collected the tax, they may make a levy as in other cases provided for by statute for the purpose of raising money to return the tax so collected by mistake. (28 R., 162.)

The city of Latonia having become a fourth class city, and the City Council having adopted an ordinance establishing a system of public schools for the city, it was the duty of the trustees of the graded school district to surrender the school property to the Board of Education of said city. (29 R., 391.)

A teacher did not sign the contract as teacher, but it was held valid because her name was signed to it by her authority; she was only a day or so late in reaching the school, which delay was due to floods. The meeting of the trustees at the time of her employment was regularly held and the corporation was therefore bound by it. An injunction was the proper remedy for her to exercise to prevent another from teaching the school, and the only way by which she could obtain relief. (30 R., 179.)

Normal schools are among the institutions for which, under the provisions of section 184 of the Constitution, the Legislature is authorized to make appropriations for without submitting the question to a vote of the people, and the Act of March 21, 1906, must be held valid. (31 R., 79.)

Where a lot was donated to a school district by the owner, who

gave the trustees a title bond therefor, which provides that "if the trustees fail to maintain a common school thereon, it should revert to the owner," on which the trustees erected and maintained a school house for thirty years, with the exception of a few years' intermission. The owner of the land surrounding the school house sold and conveyed it, without excepting the lot in his deed to the purchaser. Held—That the title as well as the possession of the lot was in the school district, as set out in the title bond. (31 R., 287.)

The domicile of the father is the domicile of his infant children, and where the father resides in a school district his children within school age should be included in the census for that district though they may be temporarily out of the district. (31 R., 633.)

An appeal involving the right of the trustees of the town of Hodgenville to sell the school house which had been built by taxation pursuant to a vote of the citizens of the town, to the graded common school district trustees, such school having been created by a vote of the people. Held under section 3660, Kentucky Statutes, the board of trustees of the town had the right to sell this property, and that they could use their discretion as to the terms of the sale. (32 R., 716.)

OPINIONS OF THE ATTORNEY-GENERAL.

Certificates—When to Renew—Certificates must be renewed while they are in force and not after they expire. A document that is dead can not be brought to life. A certificate that expires May 24, 1908, can not be renewed by the County Superintendent on May 25, 1908, and the same is applicable to State certificates when renewed by the Superintendent of Public Instruction. A first class certificate is good for four calendar years. If the Legislature had intended school years they would have used the term, and in the absence of some qualifying word, the word "year" as used in the Statutes means 365 days.

TOM B. McGREGOR,
Assistant Attorney General.

County Examiner—The office of teacher is not incompatible with the office of County Examiner. A teacher can be a member of the County Board of Examiners if she holds a first class county certificate, or State certificate, or State diploma, or is a college graduate.

TOM B. McGREGOR,
Assistant Attorney General.

Denominational Schools not Combined With Public Schools—Under Sections 5 and 189 of the Constitution, followed by Section 4368, Kentucky Statutes, it is our opinion that no consolidation of any common school with any sectarian school can ever be accomplished, and that no State fund must go out to the aid of any such school, and that no connection or combination, be it called Common School, High School, Graded School, College or University, can be had blending with any denominational school. The American idea has always been a complete separation of Church and State, in order that we might have the constitutional guaranty of freedom of conscience in the worship of God.

TOM B. McGREGOR,
Assistant Attorney General.

Subdistrict Trustees—Election—Under the new school law the following paraphernalia is necessary for the election of subdistrict trustees. A ballot furnished by the County Clerk, and all that is necessary to be printed upon this ballot is the names of the trustees to be voted for, if petitions have been filed with the clerk the proper time. A ballot box with lock and key should be provided, not necessarily a regular election ballot box, but one large enough for the needs of the subdistrict. A sheet upon which the returns of the election must be certified and returned to the County Superintendent, and kept by him until finally destroyed. The election officers are notified by the county sheriff, and the pay for his services is to be had out of the county revenue fund. All expenses for the holding of subdistrict trustee elections should be paid by the Fiscal Court.

TOM B. McGREGOR,
Assistant Attorney General.

Vaccination—The power to carry out enforced vaccination of school children is derived from what we call the police power of the State, which power is lodged in the Legislature, and this body has the power to pass any law concerning the regulation of its police matters as long as they are within reason. County Boards of Health are given power under certain acts of the Legislature to control vaccination of any and all persons, to keep down the spread of infectious diseases. If vaccination of school children is necessary, the County Board of Health has power to enforce this regulation. Nothing can stand in the way of its reasonable enforcement.

TOM B. McGREGOR,
Assistant Attorney General.

County Board of Education—Power to Borrow Money—Under Sub-sections 11 and 12 of Section 4426a, Kentucky Statutes, County Boards of Education have the implied authority to borrow money or contract other indebtedness for school purposes, not to exceed the anticipated revenue for school purposes for the current fiscal year.

TOM B. McGREGOR,
Assistant Attorney General.

Teachers Must Hold Certificate of Qualification—No part of the State school fund can be paid to any teacher for any service rendered as a common school teacher in the public schools of this State, unless she possesses a certificate of qualification, properly issued by the County Board of Examiners, local Boards of Education, or other authority authorized by law to grant certificates of qualification. Nor can such person be employed by any Division Board, or other school authority with power to contract, as a public school teacher, and no contract can be entered into with any person unless she holds a certificate of qualification at the time of the making of the contract.

TOM B. McGREGOR,
Assistant Attorney General.

Superintendent of Public Instruction—Power to Withhold School Fund for Non-compliance of Law—I am of the opinion that where it is made the duty of the county, city, district, Board of

Education, Board of Trustees or any school officer, high or low, or teacher in any school, to do or not to do certain things, by any valid act of the Legislature pertaining to the common school system, and a refusal or non-compliance of that law is had upon the part of any of these parties, the Superintendent of Public Instruction has the power, and should, withhold any portion of the public school fund that may be due the said party, until a compliance of the law is had.

TOM B. McGREGOR,
Assistant Attorney General.

Bond Issue in Graded School District—When Vote May Be Taken—It is the opinion of this Department, after a careful review of Article 10 of Chapter 113, Kentucky Statutes, that the Board of Trustees of a graded common school district may within a period of less than two years hold more than one election upon the proposition for the issuing of bonds of the district for the purpose of providing funds for purchasing suitable grounds and buildings, or for erecting or repairing suitable buildings, and for other expenses needful in conducting a graded common school district.

TOM B. McGREGOR,
Assistant Attorney General.

Institutes—When To Be Held—It is our opinion that no County Teachers' Institute can be held legally during the month of June, 1909, for the school year beginning July 1, 1909, and ending June 30, 1910. The institutes must be held between the first day of July and the first day of November, as required by the statute.

TOM B. McGREGOR,
Assistant Attorney General.

Subdistrict Trustees—Vacancies—How Filled—Vacancies in the office of subdistrict trustees should be filled by appointment or election by the Division Board of Education for the full term of the vacancy.

TOM B. McGREGOR,
Assistant Attorney General.

Teachers—Election of—Tie Vote, Etc.—A teacher must be

elected by a majority of all the members of the Division Board, as provided for in Subsection 6 of Section 4426a. The County Superintendent can in no way act as a member of this board in the selection of teachers, and in case of a tie he could not cast the deciding vote.

TOM B. McGREGOR,
Assistant Attorney General.

Teachers—Date of Election—Legal—Where teachers are selected by the Division Boards on the last Saturday in June, and a vacancy thereafter occurs by the teacher resigning, or from other cause, the Division Board may be convened at any time by the call of the chairman to fill the vacancy thus caused, but where a failure to elect a teacher on the last Saturday in June occurs, the last Saturday in July following is as early as an election can be held for a teacher for that place. It is not a vacancy, but a failure to elect.

TOM B. McGREGOR,
Assistant Attorney General.

Graded School Trustees—Vacancies—How Filled—Where a vacancy occurs by the removal or resignation of a graded school trustee, same is to be filled by election of the remaining members of the board. A County Superintendent has no authority to remove a graded school trustee, and if guilty of misfeasance or malfeasance in office, he may be removed by way of indictment and prosecution.

TOM B. McGREGOR,
Assistant Attorney General.

Removal of Teacher—Low Attendance at School—Section 4447, Kentucky Statutes, provides that a teacher may be dismissed if the percentage of attendance in the district falls below twenty-five per cent. of the total number of pupil children therein. It is the opinion of this Department that any attempt upon the part of patrons of a subdistrict to withhold pupils from attending the sessions of school in the district, for the purpose of lowering the percentage of attendance so as to dismiss the teacher, is in manifest violation of the statute, and the non-attendance of pupils is not a sufficient cause

to authorize the dismissal of the teacher. The meaning of the statute is to give the teacher a fair and square chance to do her duty. If she fails in doing it, and the attendance decreases on this account, she should be dismissed.

TOM B. McGREGOR,
Assistant Attorney General.

Corporal Punishment—There is no law in this State prohibiting corporal punishment of pupils in the public schools. Of course, an unreasonable infliction of punishment upon a child is never permitted, and the inflictor would be both civilly and criminally liable.

TOM B. McGREGOR,
Assistant Attorney General.

Sheriff's Fees For Collecting County School Tax—Sheriff's fees for collecting the county school tax must be paid out of the county revenue, and not from the revenue for school purposes. Every dollar that is collected for county school purposes must go to the treasurer of the County Board of Education.

TOM B. McGREGOR,
Assistant Attorney General.

County Superintendent's Salary—Extra Pay as a Member of the Board—The County Superintendent does not receive a salary of three dollars per day when acting as chairman of the County Board of Education. He is a member by virtue of his office. The other members are entitled to their per diem.

TOM B. McGREGOR,
Assistant Attorney General.

Incompatible Offices—No person who is a trustee of a common, graded common, or city school can hold at the same time any office of trust or profit of the Federal, State, county or municipal government, nor a deputy of any such office. These offices are incompatible with the position of school trustee of the schools named.

TOM B. McGREGOR,
Assistant Attorney General.

County High School—Establishment of With Graded School—

Under authority of Sub-section 8 of Section 4426a, Kentucky Statutes, the County Board of Education in each county has the authority to contract with the Board of Trustees of any graded common school in the county for the purpose of placing therewith the County High School or County High School pupils, if such graded school meets the requirements of the State Board of Education as a high school.

TOM B. McGREGOR,
Assistant Attorney General.

Railroad and Bridge Taxes—To Whom Paid—Fees For Collection—Taxes against any railroad or bridge company levied in any common school district are to be paid to the sheriff of the county, who shall receive the ordinary collecting statutory fees for collecting same, and when collected must be by him paid over to the County Superintendent under the provisions of Sections 4100, 4101 and 4129, Kentucky Statutes.

TOM B. McGREGOR.
Assistant Attorney General.

OPINIONS OF THE COURT OF APPEALS.

The County School Superintendent has power to canvass the returns and decide the vote on a school election in a graded school district for the issuance of bonds to raise money for school purposes. McGinnis v. Board of Trustees, &c., 108 S. W., 289.

Trustees (or other governing body) of a school district or districts can only bind the district by a corporate meeting held as provided by law, and the acts must be valid acts of that body. Cooke et al v. District No. 7, &c., 111 S. W., 688.

An order by the County Superintendent of Schools that school districts shall be so changed as to include a specified person in District No. 42, and exclude him from District No. 47, changed the boundary between the two districts so as to include such person's farm in its entirety within District No. 42, transferring his tenants to that dristrict. Farmer v. Pace, 116 S. W., 324.

An election to establish a graded school district is not invalid because certain persons not qualified were permitted to vote where the result of the election would not be affected if all of the objectionable votes were deducted from those received by the prevailing side. It is the policy of the law to uphold elections for the purpose of advancing the educational interests of the children of the State, and not to annul them for light and trivial causes; and mere irregularities in the conduct of an election, which do not deprive the citizens of the full and fair opportunity of exercising their right of suffrage in regard thereto, are not sufficient to annul the election. Taylor v. Sparks, 118 S. W., 970.

The Sullivan School Act of March 24, 1908, is constitutional and it is mandatory upon the Fiscal Court to levy a school tax for the amount asked for by the County Board of Education. Prowse, &c. v. County Board of Education, 120 S. W., 307.

Section 4464, Kentucky Statutes, providing that no point on the boundary of the proposed graded school district shall be more than two and one-half miles from the site of its proposed school house, &c., when considered in connection with Section 4481, authorizing the trustees to order an election to submit the question of the issuance of bonds to provide grounds and buildings, &c., and Section 4439, authorizing proceedings to condemn a site for a school house not exceeding one acre, requires that the two and one-half mile boundary of a graded common school district shall be measured from the outer boundary of the site of the school building, provided the site does not exceed one acre. Clear Springs Distilling Co. v. Board of Trustees, 122 S. W., 527.

The effect of the prohibition of the Act of 1908, in re-enacting Sections 4464-4500a, Kentucky Statutes, as a part thereof, graded school districts operating under special charter or established by popular vote, remain unaffected by the Act of 1908 in their boundaries, government and regulation; but under the Act of 1908, providing that all resident males over twenty-one years of age shall have the right to vote at elections, women are no longer entitled to vote in graded common school elections. Jeffries, &c. v. Board of Trustees, 122 S. W., 802.

RULINGS OF THE DEPARTMENT.

When a graded common school district is established it becomes a permanent corporation. The petition to the county judge asking for the order of election can not limit the time the proposed graded school district is to exist. The organization of a graded school district, authorizing the trustees to levy a tax not exceeding the sum named in the petition, does not make the levying of the tax obligatory on the board; it merely clothes them with the power to levy each year. They may reduce the amount of the levy any year, or may remit it entirely for any year.

The failure of a teacher to attend the county institute does not forfeit the certificate, but merely renders it forfeitable in case no

legal excuse is given. Before a certificate is revoked for a failure to attend the institute the teacher should be given notice to appear and show cause, if he can, why the certificate should not be revoked.

An applicant for a certificate must be not less than eighteen years of age at the time he takes the examination.

The examinations for common school graduation provided for under Section 7, School Law, must be held on prescribed days in January and May— not on other days, nor in other months. The questions must be prepared for these special days by the State Board of Examiners—not by superintendents or teachers, nor can the questions be given out on other dates. The examination must be conducted by the County Board of Examiners and cannot, therefore, be conducted at various places by various persons. My opinion is that these examinations are to be held under the same general restrictions as the examinations of teachers.

State Diplomas and other certificates of qualification to teach are to be granted upon a personal examination only, and on the days specified in the law. No special examinations will be authorized.

Certificates must be renewed while they are in force—not after they expire.

There is no provision in the law for a "supplementary check" to cover errors in the census.

A teacher is paid for Institute week only in case the teacher is in actual attendance during the entire session and the Institute is held during the session of his school—not otherwise.

All matters of difference and doubt touching the administrative duties of officers and teachers of the District and Graded Common Schools of a county are to be decided by the County Superintendent. The County Superintendent is urged to meet disputed questions squarely and to decide them promptly and in conformity to law. Such decisions must be in writing, and copies of them should be kept on file. Appeals can then be taken to this office if desired, but not until the County Superintendent has rendered an opinion as noted.

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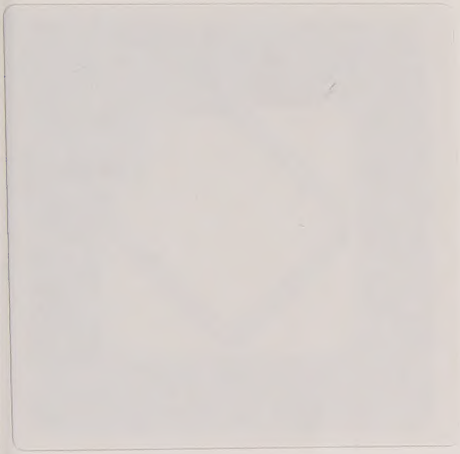

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